

Senate File 2311 - Introduced

SENATE FILE 2311

BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 3140)

A BILL FOR

1 An Act revising provisions affecting the administration
2 of the department of agriculture and land stewardship,
3 including associated regulations and licensing, as it
4 relates to biofuels, weather and market information,
5 internet publications, soil and water conservation, feed,
6 vaccinations, tuberculosis, brucellosis, classical swine
7 fever, Johne's disease, treatment for sheep, branding,
8 manufactured articles, grain, pesticides, coal mining, and
9 weights and measures, making penalties applicable, and
10 including applicability provisions.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

GENERAL

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Section 1. Section 159.2, subsection 1, Code 2011, is amended to read as follows:

1. To encourage, promote, and advance the interests of agriculture, including horticulture, livestock industry, dairying, cheese making, poultry raising, biofuels, beekeeping, production of wool, production of domesticated fur-bearing animals, and other kindred and allied industries.

Sec. 2. Section 159.5, subsection 4, Code 2011, is amended to read as follows:

4. Maintain a weather ~~division~~ bureau which shall, in cooperation with the national weather service, collect and disseminate weather and phenological statistics and meteorological data, and promote knowledge of meteorology, phenology, and climatology of the state. The ~~division~~ bureau shall be headed by the state climatologist who shall be appointed by the secretary of agriculture, and shall be an officer of the national weather service, if one is detailed for that purpose by the federal government.

Sec. 3. Section 159.5, subsection 5, Code 2011, is amended by striking the subsection.

Sec. 4. Section 159.5, subsection 7, Code 2011, is amended to read as follows:

~~7. Maintain a division of agricultural statistics, which shall, in cooperation~~ Cooperate with the United States department of agriculture statistical reporting service, to gather, compile, and publish statistical information concerning the condition and progress of crops, the production of crops, livestock, livestock products, poultry, and other such related agricultural statistics, as will generally promote knowledge of the agricultural industry in the state of Iowa. The statistics, when published, constitute official agricultural statistics for the state of Iowa. ~~The division is in the charge of an administrator, who shall be appointed by the~~

1 ~~secretary of agriculture and who shall be an officer of the~~
2 ~~United States department of agriculture statistical reporting~~
3 ~~service, if one is detailed for that purpose by the federal~~
4 ~~government.~~

5 Sec. 5. Section 159.5, subsection 8, Code 2011, is amended
6 to read as follows:

7 8. Establish and maintain a marketing news service ~~division~~
8 bureau in the department which shall, in cooperation with the
9 federal market news and grading division of the United States
10 department of agriculture, collect and disseminate data and
11 information relative to the market prices and conditions of
12 agricultural products raised, produced, and handled in the
13 state. ~~The division is in the charge of an administrator, who~~
14 ~~shall be appointed by the secretary of agriculture and shall be~~
15 ~~an officer of the federal market news and grading division of~~
16 ~~the United States department of agriculture, if one is detailed~~
17 ~~for that purpose by the federal government.~~

18 Sec. 6. Section 159.9, Code 2011, is amended to read as
19 follows:

20 **159.9 ~~Publication and distribution of rules~~ Internet access**
21 **to statutes and rules.**

22 ~~A sufficient number of pamphlets setting forth the~~ The
23 statutes relating to and rules of adopted by the department
24 ~~shall be published from time to time to supply the various~~
25 ~~needs for the same and shall be furnished to any resident of~~
26 ~~the state upon request~~ shall be made available on the internet.

27 Sec. 7. REPEAL. Section 159.14, Code 2011, is repealed.

28 DIVISION II

29 SOIL AND WATER CONSERVATION

30 Sec. 8. Section 159.8, Code 2011, is amended to read as
31 follows:

32 **159.8 Comprehensive management plan — highly erodible acres.**

33 1. The department shall request cooperation from the
34 federal government, including the United States department
35 of agriculture consolidated farm service agency and the

1 United States department of agriculture natural resources
2 conservation service, to investigate methods to preserve
3 land which is highly erodible, as provided in the federal
4 Food Security Act of 1985, 16 U.S.C. § 3801 et seq., for the
5 purpose of developing with owners of the land a comprehensive
6 management plan for the land. The plan may be based on the
7 soil conservation plan of the natural resources conservation
8 service and may include a farm unit conservation plan and a
9 comprehensive agreement as provided in chapter 161A. The
10 extension services at Iowa state university of science and
11 technology shall cooperate with the department in developing
12 the comprehensive plan.

13 2. The investigation shall include methods which help
14 to preserve highly erodible land from row crop production
15 through production of alternative commodities, and financial
16 incentives. ~~The department shall report to the governor and~~
17 ~~the general assembly not later than January 15, 1990, of the~~
18 ~~department's progress in the investigation. The department~~
19 ~~shall report to the governor and the general assembly not later~~
20 ~~than January 15, 1991, on the department's recommendation for~~
21 ~~programs necessary to preserve highly erodible land from injury~~
22 ~~or destruction.~~

23 Sec. 9. Section 161A.7, subsection 3, Code 2011, is amended
24 to read as follows:

25 3. The commissioners shall, as a condition for the receipt
26 of any state cost-sharing funds for permanent soil conservation
27 practices, shall require the owner of the land on which the
28 practices are to be established to covenant and file, in the
29 office of the soil and water conservation district of the
30 county in which the land is located, an agreement identifying
31 the particular lands upon which the practices for which state
32 cost-sharing funds are to be received will be established,
33 and providing that the project will not be removed, altered,
34 or modified so as to lessen its effectiveness without the
35 consent of the commissioners, obtained in advance and based on

1 guidelines drawn up by the state soil conservation committee,
2 for a period ~~of~~ not to exceed twenty years after the date of
3 receiving payment. The commissioners shall assist the division
4 in the enforcement of this subsection. The agreement does not
5 create a lien on the land, but is a charge personally against
6 the owner of the land at the time of removal, alteration, or
7 modification if an administrative order is made under section
8 161A.61, subsection 3.

9 Sec. 10. Section 161A.12, Code 2011, is amended to read as
10 follows:

11 **161A.12 Statement to department of management.**

12 On or before October 1 next preceding each annual
13 legislative session, the ~~division~~ department shall submit to
14 the department of management, on official estimate blanks
15 furnished for those purposes, statements and estimates of the
16 expenditure requirements for each fiscal year, and a statement
17 of the balance of funds, if any, available to the division,
18 and the estimates of the division as to the sums needed for
19 the administrative and other expenses of the division for the
20 purposes of this chapter.

21 Sec. 11. Section 161A.42, subsection 3, Code 2011, is
22 amended by striking the subsection.

23 Sec. 12. Section 161A.42, subsection 7, Code 2011, is
24 amended to read as follows:

25 7. "*Farm unit soil conservation plan*" means a plan jointly
26 developed by the owner and, if appropriate, the operator
27 of a farm unit and the commissioners of the soil and water
28 conservation district within which that farm unit is located,
29 ~~based on the conservation folder for that farm unit and~~
30 identifying those permanent soil and water conservation
31 practices and temporary soil and water conservation practices
32 the use of which may be expected to prevent soil loss by
33 erosion from that farm unit in excess of the applicable soil
34 loss limit or limits. The plan shall if practicable identify
35 alternative practices by which this objective may be attained.

1 Sec. 13. Section 161A.61, subsection 2, unnumbered
2 paragraph 1, Code 2011, is amended to read as follows:

3 ~~Beginning January 1, 1985, or five years after the~~
4 ~~completion of the conservation folder for a particular farm~~
5 ~~unit pursuant to this section, whichever date is later, the~~ The
6 commissioners of the soil and water conservation district in
7 which that farm unit is located may petition the district court
8 for an appropriate order with respect to that farm unit if its
9 owner or occupant has been sent a notice by the commissioners
10 under subsection 1, paragraph "b", for three or more consecutive
11 years. The commissioners' petition shall seek a court order
12 which states a time not more than six months after the date of
13 the order when the owner or occupant must commence, and a time
14 when the owner or occupant must complete the steps necessary
15 to comply with the order. The time allowed to complete the
16 establishment of a temporary soil and water conservation
17 practice employed to comply or advance toward compliance
18 with the court's order shall be not more than one year after
19 the date of that order, and the time allowed to complete
20 the establishment of a permanent soil and water conservation
21 practice employed to comply with the court's order shall be not
22 more than five years after the date of that order. Section
23 161A.48 applies to a court order issued under this subsection.
24 The steps required of the farm unit owner or operator by the
25 court order are those which are necessary to do one of the
26 following:

27 Sec. 14. Section 161A.62, subsection 1, Code 2011, is
28 amended by striking the subsection.

29 Sec. 15. Section 161A.62, subsection 2, Code 2011, is
30 amended to read as follows:

31 2. The commissioners of each soil and water conservation
32 district shall complete preparation of a farm unit soil
33 conservation plan for each farm unit within the district, ~~not~~
34 ~~later than January 1, 1985, or five years after completion of~~
35 ~~the conservation folder for that farm unit, whichever date is~~

1 ~~later, or~~ as soon thereafter as adequate funding is available
2 to permit compliance with this requirement.

3 a. Technical assistance in the development of the farm
4 unit soil conservation plan may be provided by the United
5 States department of agriculture natural resources conservation
6 service through the memorandum of understanding with the
7 district or by the department. The commissioners shall make
8 every reasonable effort to consult with the owner and, if
9 appropriate, with the operator of that farm unit, and to
10 prepare the plan in a form which is acceptable to that person
11 or those persons.

12 b. The farm unit soil conservation plan shall be drawn
13 up and completed without expense to the owner or operator of
14 the farm unit, except that the owner or operator shall not be
15 reimbursed for the value of the owner's or occupant's own time
16 devoted to participation in the preparation of the plan.

17 c. If the commissioners' farm unit soil conservation plan
18 is unacceptable to the owner or operator of the farm unit,
19 that person or those persons may prepare an alternative farm
20 unit soil conservation plan identifying permanent or temporary
21 soil and water conservation practices which may be expected
22 to achieve compliance with the soil loss limit or limits
23 applicable to that farm unit, and submit that plan to the soil
24 and water conservation district commissioners for their review.

25 Sec. 16. Section 161A.63, Code 2011, is amended to read as
26 follows:

27 **161A.63 Right of purchaser of agricultural land to obtain**
28 **information.**

29 A prospective purchaser of an interest in agricultural land
30 located in this state is entitled to obtain from the seller, or
31 from the office of the soil and water conservation district in
32 which the land is located, a copy of the most recently updated
33 ~~conservation folder and of any~~ farm unit soil conservation
34 plan, developed pursuant to section 161A.62, subsection 2,
35 which are applicable to the agricultural land proposed to

1 be purchased. A prospective purchaser of an interest in
2 agricultural land located in this state is entitled to obtain
3 additional copies of either or both of the documents referred
4 to in this section from the office of the soil and water
5 conservation district in which the land is located, promptly
6 upon request, at a fee not to exceed the cost of reproducing
7 them. All persons who identify themselves to the commissioners
8 or staff of a soil and water conservation district as
9 prospective purchasers of agricultural land in the district
10 shall be given information, prepared in accordance with rules
11 of the department, which clearly explains the provisions of
12 section 161A.76.

13 Sec. 17. Section 161A.73, subsection 2, paragraph b, Code
14 2011, is amended to read as follows:

15 b. The allocation of cost-share moneys as financial
16 incentives to encourage summer construction of permanent soil
17 and water conservation practices. The practices must be
18 constructed on or after June ~~1~~ 15 but not later than ~~September~~
19 October 15. The commissioners may also provide for the
20 payment of moneys on a prorated basis to compensate persons
21 for the production loss on an area disturbed by construction,
22 according to rules which shall be adopted by the division. ~~The~~
23 ~~commissioners shall not allocate cost share moneys to support~~
24 ~~summer construction during a fiscal year in which applications~~
25 ~~for cost share moneys required to establish permanent soil and~~
26 ~~water conservation practices, other than established by summer~~
27 ~~construction, equal the total amount available to support the~~
28 ~~nonsummer construction practices. The financial incentives~~
29 ~~shall not exceed sixty percent of the estimated cost of~~
30 ~~establishing the practice as determined by the commissioners,~~
31 ~~or sixty percent of the actual cost of establishing the~~
32 ~~practice, whichever is less.~~

33 Sec. 18. Section 161A.76, subsection 1, Code 2011, is
34 amended to read as follows:

35 1. It is the intent of this chapter that, ~~effective~~

1 ~~January 1, 1981,~~ each tract of agricultural land which has
2 not been plowed or used for growing row crops at any time
3 within the prior fifteen years ~~prior to that date,~~ shall
4 for purposes of this section be considered classified as
5 agricultural land under conservation cover. If a tract of land
6 so classified is thereafter plowed or used for growing row
7 crops, the commissioners of the soil and water conservation
8 district in which the land is located shall not approve
9 use of state cost-sharing funds for establishing permanent
10 or temporary soil and water conservation practices on that
11 tract of land in an amount greater than one-half the amount
12 of cost-sharing funds which would be available for that land
13 if it were not considered classified as agricultural land
14 under conservation cover. The restriction imposed by this
15 section applies even if an administrative order or court order
16 has been issued requiring establishment of soil and water
17 conservation practices on that land. The commissioners may
18 waive the restriction imposed by this section if they determine
19 in advance that the purpose of plowing or row cropping land
20 classified as land under conservation cover is to revitalize
21 permanent pasture and that the land will revert to permanent
22 pasture within two years after it is plowed.

23 DIVISION III

24 ANIMAL HEALTH — GENERAL

25 Sec. 19. Section 163.7, Code 2011, is amended to read as
26 follows:

27 **163.7 State and federal rules.**

28 The rules adopted by the department regarding interstate
29 shipments of animals shall not be in conflict with the rules
30 of the ~~federal~~ United States department of agriculture, unless
31 there is an outbreak of a malignant contagious disease in any
32 locality, state, or territory, in which event the department
33 ~~shall have the right to~~ of agriculture and land stewardship may
34 place an embargo on such locality, state, or territory.

35 Sec. 20. Section 163.25, Code 2011, is amended to read as

1 follows:

2 **163.25 Altering certificate.**

3 1. A person shall not remove or alter a tag or mark of
4 identification appearing on an animal, tested or being tested
5 for disease, if the tag or mark of identification is authorized
6 by the department or inserted by any qualified veterinarian.

7 2. A person shall not ~~alter~~ falsify any of the following:

8 a. A certificate of vaccination, issued by a person
9 authorized to vaccinate the animal.

10 b. A certificate of veterinary inspection.

11 Sec. 21. Section 163.26, Code 2011, is amended to read as
12 follows:

13 **163.26 Definition.**

14 For the purposes of this subchapter, "*garbage*" means
15 putrescible animal and vegetable wastes resulting from the
16 handling, preparation, cooking, and consumption of foods,
17 including animal carcasses or parts, ~~and.~~ "Garbage" includes
18 all waste material, by-products of a kitchen, restaurant,
19 hotel, or slaughterhouse, every refuse accumulation of animal,
20 fruit, or vegetable matter, liquids or otherwise, ~~except or~~
21 grain not consumed, that is collected from hog sales pen
22 floors in public stockyards ~~and fed under the control of the~~
23 ~~department of agriculture and land stewardship.~~ Animals or
24 parts of animals, which are processed by slaughterhouses or
25 rendering establishments, and which as part of the processing
26 are heated to not less than 212 degrees F. for thirty minutes,
27 are not garbage for purposes of this chapter.

28 Sec. 22. Section 163.27, Code 2011, is amended to read as
29 follows:

30 **163.27 Boiling garbage.**

31 1. ~~It shall be unlawful for any person, firm, partnership,~~
32 ~~or corporation to feed garbage~~ Garbage shall not be fed to
33 ~~animals~~ an animal unless such garbage has been heated to a
34 temperature of two hundred twelve degrees Fahrenheit for thirty
35 minutes, or other acceptable method, as provided by rules

1 ~~promulgated~~ adopted by the department, ~~provided~~. However, this
2 requirement shall not apply to an individual who feeds to the
3 individual's own animals only the garbage obtained from the
4 individual's own household. ~~It shall be unlawful for any~~
5 2. A person, firm, partnership, or corporation to shall not
6 feed any public or commercial garbage to swine after ~~September~~
7 ~~1, 1970~~.

8 Sec. 23. Section 163.28, unnumbered paragraph 4, Code 2011,
9 is amended to read as follows:

10 The license fee for each processing plant shall be fifty
11 dollars, except that the first license fee may be prorated on a
12 monthly basis as prescribed by the department. The secretary
13 shall not issue a license which would permit the processing of
14 any garbage for swine feeding after ~~September 1, 1970~~.

15 Sec. 24. Section 163.30, subsection 11, Code Supplement
16 2011, is amended to read as follows:

17 11. ~~All~~ Any swine found by a registered veterinarian to have
18 any infectious or contagious disease after delivery to any a
19 livestock sale barn or auction market for resale, other than
20 for slaughter, shall be immediately returned to the consignor's
21 premises to be quarantined separate and apart for fifteen
22 days. Such swine shall not be moved from such premises for
23 any purpose unless a certificate of veterinary inspection
24 accompanies the swine's movement or unless ~~they~~ the swine are
25 sent to slaughter. ~~This subsection shall in no way supersede~~
26 ~~the requirements of sections 163A.2 and 163A.3.~~

27 Sec. 25. Section 163.61, subsection 3, paragraph a, Code
28 2011, is amended to read as follows:

29 a. A person who falsifies a certificate of vaccination or
30 certificate of veterinary inspection shall be subject to a
31 civil penalty of not more than five thousand dollars for each
32 reference to an animal falsified on the certificate. However,
33 a person who falsifies a certificate issued pursuant to chapter
34 166D shall be subject to a civil penalty as provided in this
35 section or section 166D.16, but not both. A person shall not

1 be subject to a civil penalty totaling more than twenty-five
2 thousand dollars for falsifying a certificate, regardless of
3 the number of animals falsified on the certificate.

4 DIVISION IV

5 ANIMAL HEALTH — BOVINE TUBERCULOSIS

6 Sec. 26. Section 165.1, Code 2011, is amended to read as
7 follows:

8 **165.1 Cooperation.**

9 The ~~state department of agriculture and land stewardship~~
10 is hereby authorized to cooperate with the ~~federal~~ United
11 States department of agriculture for the purpose of eradicating
12 tuberculosis from the dairy and beef breeds of cattle in the
13 state.

14 Sec. 27. Section 165.2, Code 2011, is amended to read as
15 follows:

16 **165.2 State as accredited area.**

17 1. The state of Iowa is hereby declared to be and is hereby
18 established as an accredited area for the eradication of bovine
19 tuberculosis from the dairy and breeding cattle of the state.
20 It shall be the duty of the department ~~of agriculture and~~
21 ~~land stewardship~~ to eradicate bovine tuberculosis in all of
22 the counties of the state in the manner provided by law as it
23 appears in this chapter. ~~Said~~ The department shall proceed
24 with the examination, including the tuberculin test, of all
25 such cattle as rapidly as practicable and as is consistent
26 with efficient work, and as funds are available for paying the
27 indemnities as provided by law.

28 2. An owner of dairy or breeding cattle in the state
29 shall conform to and abide by the rules ~~laid down~~ adopted by
30 the department and rules promulgated by the federal United
31 States department of agriculture ~~and~~. The owner shall follow
32 their instructions of the department of agriculture and land
33 stewardship and the United States department of agriculture
34 designed to suppress the disease, prevent its spread, and avoid
35 reinfection of the herd.

1 Sec. 28. Section 165.3, Code 2011, is amended to read as
2 follows:

3 **165.3 Appraisal.**

4 Before being tested, such animals shall be appraised
5 at their cash value for breeding, dairy, or beef purposes
6 by the owner and a representative of the department, or a
7 representative of the ~~federal~~ United States department of
8 agriculture, or by the owner and both of such representatives.
9 If these parties cannot agree as to the amount of the
10 appraisal, there shall be appointed three competent and
11 disinterested persons, one by the department, one by the owner,
12 and the third by the first two appointed, to appraise such
13 animals, which appraisal shall be final. Every appraisal shall
14 be under oath or affirmation and the expense of the same shall
15 be paid by the state, except as provided in this chapter.

16 Sec. 29. Section 165.12, Code 2011, is amended to read as
17 follows:

18 **165.12 Tuberculosis-free herds.**

19 The department shall establish rules for determining when
20 a herd of cattle, tested and maintained under the provisions
21 of this chapter, the laws of the United States, and the rules
22 of the ~~state department of agriculture and land stewardship~~
23 and regulations of the federal United States department of
24 agriculture, shall be considered as tuberculosis-free. When
25 any herd meets such requirements, the owner shall be entitled
26 to a certificate from the department of agriculture and land
27 stewardship showing that the herd is a tuberculosis-free
28 accredited herd. Such certificate shall be revoked whenever
29 the herd no longer meets the necessary requirements for
30 an accredited herd, but the herd may be reinstated as
31 an accredited herd upon subsequent compliance with such
32 requirements.

33 Sec. 30. Section 165.15, Code 2011, is amended to read as
34 follows:

35 **165.15 Accredited veterinarian.**

1 An accredited veterinarian is one who has successfully
2 passed an examination set by the department and the ~~federal~~
3 United States department of agriculture and may make tuberculin
4 tests of accredited herds of cattle under the uniform methods
5 and rules governing accredited herd work which are approved by
6 the United States department of agriculture.

7 DIVISION V

8 ANIMAL HEALTH — BRUCELLOSIS

9 CONTROL IN SWINE

10 Sec. 31. Section 163A.6, Code 2011, is amended to read as
11 follows:

12 **163A.6 Exhibition swine.**

13 ~~All Iowa~~ Any breeding swine four months of age and over
14 for exhibition within the this state ~~of Iowa~~ shall meet
15 all requirements for exhibition purposes and ~~shall also be~~
16 ~~accompanied by an official brucellosis test report showing the~~
17 ~~swine to have been negative to the brucellosis test conducted~~
18 ~~within sixty days of date of exhibition unless such swine are~~
19 ~~from validated brucellosis-free herds.~~

20 Sec. 32. REPEAL. Sections 163A.2, 163A.3, 163A.4, and
21 163A.11, Code 2011, are repealed.

22 DIVISION VI

23 ANIMAL HEALTH — CLASSICAL SWINE FEVER

24 Sec. 33. Section 159.6, subsection 4, Code 2011, is amended
25 to read as follows:

26 4. ~~Hog-cholera~~ Classical-swine-fever virus and
27 classical-swine-fever serum, chapter 166.

28 Sec. 34. Section 163.2, subsection 5, Code Supplement 2011,
29 is amended to read as follows:

30 5. "*Infectious or contagious disease*" means glanders, farcy,
31 maladie du coit (dourine), anthrax, foot and mouth disease,
32 scabies, ~~hog-cholera~~, classical swine fever, tuberculosis,
33 brucellosis, vesicular exanthema, scrapie, rinderpest,
34 avian influenza or Newcastle disease as provided in chapter
35 165B, pseudorabies as provided in chapter 166D, or any other

1 transmissible, transferable, or communicable disease so
2 designated by the department.

3 Sec. 35. Section 163.30, subsections 7 and 10, Code
4 Supplement 2011, are amended to read as follows:

5 7. The department may require issuance of movement
6 permits on certain categories of swine moved, prior to their
7 movement, pursuant to ~~departmental rule~~ rules adopted by the
8 department. The ~~rule~~ rules shall be ~~promulgated~~ adopted when
9 in the judgment of the secretary, such ~~movements~~ movement would
10 otherwise threaten or imperil the eradication of ~~hog cholera~~
11 classical swine fever in Iowa.

12 10. The use of ~~anti-hog cholera~~ anti-classical-swine-fever
13 serum or antibody concentrate shall be in accordance with rules
14 ~~issued~~ adopted by the department.

15 Sec. 36. Section 166.1, subsection 1, Code 2011, is amended
16 to read as follows:

17 1. ~~The words "biological~~ "Biological products" shall
18 include and be deemed to embrace only ~~anti-hog cholera~~
19 anti-classical-swine-fever serum and viruses which are either
20 virulent or nonvirulent, alive or dead.

21 Sec. 37. Section 166.16, unnumbered paragraph 1, Code 2011,
22 is amended to read as follows:

23 ~~No~~ A person shall not sell, distribute, use, or offer
24 to sell, distribute, or use virulent blood or virus from
25 ~~cholera-infected hogs~~ classical-swine-fever-infected swine
26 except for one or more of the following purposes:

27 Sec. 38. Section 166.16, subsection 4, Code 2011, is amended
28 to read as follows:

29 4. For the purpose of manufacturing any biological products
30 or for the purpose of producing immune ~~hogs~~ swine to be used in
31 the production of ~~hog cholera~~ anti-classical-swine-fever serum.

32 Sec. 39. Section 166.41, Code 2011, is amended to read as
33 follows:

34 **166.41 ~~Hog cholera~~ Classical-swine-fever vaccine prohibited**
35 **— emergency.**

1 The sale or use of ~~hog-cholera~~ classical-swine-fever
2 vaccine, except as provided in section 166.16, is prohibited
3 and ~~it a person shall be unlawful to not~~ use such ~~products~~
4 a product in ~~the this~~ state of ~~Iowa, except that.~~ However,
5 in the case of an emergency as defined in section 166.42, a
6 special permit for the use of vaccines may be issued by the
7 secretary.

8 Sec. 40. Section 166.42, Code 2011, is amended to read as
9 follows:

10 **166.42 Biological products reserve — use.**

11 1. The secretary may establish a reserve supply of
12 biological products of approved modified live virus ~~hog-cholera~~
13 classical-swine-fever vaccine and of ~~anti-hog-cholera~~
14 anti-classical-swine-fever serum or its equivalent in
15 antibody concentrate to be used as directed by the secretary
16 in the event of an emergency resulting from a ~~hog-cholera~~
17 classical-swine-fever outbreak. Vaccine and serum or antibody
18 concentrate from the reserve supply, if used for such an
19 emergency, shall be made available to swine producers at a
20 price which will not result in a profit. Payment shall be
21 made by the producer to the department and such vaccine shall
22 be administered by a licensed practicing veterinarian. The
23 secretary may cooperate with other states in the accumulation,
24 maintenance and disbursement of such reserve supply of
25 biological products. The secretary, with the advice and
26 written consent of the state veterinarian, and the advice and
27 written consent of the veterinarian-in-charge for Iowa of
28 the animal and plant health inspection service — veterinary
29 services, United States department of agriculture, shall
30 determine when an emergency resulting from a ~~hog-cholera~~
31 classical-swine-fever outbreak exists.

32 2. The secretary is authorized to sell or otherwise
33 dispose of ~~such~~ classical-swine-fever vaccine and serum
34 at such time as the state is declared a ~~hog-cholera-free~~
35 classical-swine-fever-free state by the United States

1 department of agriculture, or if the potency of such vaccine
2 and serum is in doubt. Money received under provisions of this
3 section shall be paid into the state treasury.

4 Sec. 41. Section 166B.1, Code 2011, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 01. "*Classical swine fever*" means the
7 contagious, infectious, and communicable disease of swine
8 commonly known as hog cholera.

9 Sec. 42. Section 166B.1, subsection 3, Code 2011, is amended
10 by striking the subsection.

11 Sec. 43. Section 166B.2, Code 2011, is amended to read as
12 follows:

13 **166B.2 General authority.**

14 The department may destroy or require the destruction of any
15 swine which the state veterinarian knows to be, or suspects is,
16 affected with or exposed to ~~hog cholera~~ classical swine fever,
17 whenever the department finds such destruction to be necessary
18 to prevent or reduce the danger of the spread of ~~hog cholera~~
19 classical swine fever. Disposal of condemned swine shall
20 be under the supervision of a regulatory employee. Salvage
21 of apparently healthy marketable swine is permissible as a
22 minimum provision and may be discontinued in favor of total
23 herd disposition with indemnification as necessary and without
24 such salvage in any case or at any time when it is determined by
25 the department and the United States department of agriculture
26 that the procedure would constitute an undue threat to the
27 eradication program. Before being condemned and ordered to
28 be destroyed, a positive diagnosis of ~~hog cholera~~ classical
29 swine fever affecting the herd must be confirmed by a state or
30 federal laboratory or personnel approved by the department and
31 the United States department of agriculture.

32 Sec. 44. Section 166B.4, Code 2011, is amended to read as
33 follows:

34 **166B.4 Institution of indemnification.**

35 It is hereby recognized and declared that indemnification

1 for destruction of swine infected with or exposed to ~~hog~~
2 ~~cholera~~ classical swine fever is an expression of the public
3 policy of this state but employed only in the final stages
4 of eradication of the disease, or as a means of preventing
5 or minimizing its recurrence. The department of ~~agriculture~~
6 ~~and land stewardship~~ shall not therefore institute an initial
7 program of indemnification pursuant to the chapter until it is
8 mutually agreed between the ~~state department of agriculture~~
9 ~~and land stewardship~~ and the United States department of
10 agriculture that such action is necessary in order to carry out
11 the ~~hog-cholera~~ classical-swine-fever eradication program.

12 Sec. 45. Section 166B.5, Code 2011, is amended to read as
13 follows:

14 **166B.5 Cooperation with United States.**

15 The department may cooperate with the United States, or
16 any department, agency or officer thereof, in the control and
17 eradication of ~~hog-cholera~~ classical swine fever, including the
18 sharing in payment of indemnities for swine destroyed.

19 DIVISION VII

20 ANIMAL HEALTH — DAIRY CATTLE

21 AFFECTED WITH JOHNE'S DISEASE

22 Sec. 46. Section 165A.1, subsection 3, Code 2011, is amended
23 to read as follows:

24 3. "*Infected*" means infected with ~~paratuberculosis~~ Johne's
25 disease as provided in section 165A.3.

26 Sec. 47. Section 165A.1, subsection 4, Code 2011, is amended
27 by striking the subsection and inserting in lieu thereof the
28 following:

29 4. "*Johne's disease*" means a disease caused by the bacterium
30 mycobacterium paratuberculosis, and which is also referred to
31 as paratuberculosis disease.

32 Sec. 48. Section 165A.3, Code 2011, is amended to read as
33 follows:

34 **165A.3 Determination of infection.**

35 The department shall adopt rules providing methods and

1 procedures to determine whether cattle are infected, which
2 may include detection and analysis of paratuberculosis
3 Johne's disease using techniques approved by the United States
4 department of agriculture.

5 Sec. 49. Section 165A.4, Code 2011, is amended to read as
6 follows:

7 **165A.4 Infected cattle.**

8 ~~The owner of infected cattle shall mark the cattle by~~
9 ~~punching the letter "C" through the right ears of the cattle~~
10 ~~as required by the department. Cattle infected with Johne's~~
11 ~~disease shall be accompanied by an owner-shipper statement. A~~
12 ~~person shall not sell infected cattle other than directly to~~
13 ~~a slaughtering establishment, or to a concentration point for~~
14 ~~sale directly to a slaughtering establishment, for immediate~~
15 ~~slaughter. Cattle ~~marked with a letter "C" infected with~~~~
16 ~~Johne's disease that are kept at a concentration point shall be~~
17 ~~kept separate and apart.~~

18

DIVISION VIII

19

ANIMAL HEALTH — TREATMENT FOR SHEEP

20 Sec. 50. Section 166A.1, Code 2011, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 10. "*Treatment*" includes but is not limited
23 to administering medication.

24 Sec. 51. Section 166A.4, Code 2011, is amended to read as
25 follows:

26 **166A.4 Dipping Treatment.**

27 All breeding and feeding sheep offered for sale or exchange
28 or otherwise moved or released from any premises, vehicle,
29 or conveyance, shall, within ten days prior to exchange,
30 release, or movement, be ~~dipped~~ treated in an approved ~~dip~~
31 manner under the supervision of the department or the animal
32 and plant health inspection service of the United States
33 department of agriculture. When sheep are moved within or from
34 a certified scabies-free area in this state, the sheep must
35 be accompanied by a certificate of veterinary inspection as

1 provided in chapter 163. The ~~dipping~~ treatment shall not be
2 required prior to such movement. Sheep may be moved from a
3 premises to an approved facility for the purpose of ~~dipping~~
4 treatment under such conditions as may be required by the rules
5 of the department or the regulations of the animal and plant
6 health inspection service of the United States department of
7 agriculture. In addition, sheep are not required to be ~~dipped~~
8 treated if moved to a livestock auction market until after
9 sale. Sheep are not required to be ~~dipped~~ treated if consigned
10 directly for slaughter.

11 Sec. 52. Section 166A.6, Code 2011, is amended to read as
12 follows:

13 **166A.6 Records kept.**

14 Market operators and dealers in sheep shall use satisfactory
15 ~~dipping facilities~~ treatment, approved by the department ~~and~~.
16 Market operators and dealers shall maintain records which show
17 the true origin of the sheep including name and address of the
18 seller or consignor, number, date of receipt, date of ~~dipping~~
19 treatment, and including all certificates, permits, waybills,
20 and bills of lading for each consignment of sheep consigned to
21 and leaving the market or dealer's premises. All records shall
22 be retained for a period of one year and made available upon
23 demand by a representative of the department.

24 Sec. 53. Section 166A.7, Code 2011, is amended to read as
25 follows:

26 **166A.7 Slaughter without ~~dipping~~ treatment.**

27 Animals may be sold for slaughter without ~~dipping~~ treatment.
28 Sheep when inspected at the market or dealer's premises and
29 found free of scabies or no known exposure thereto, may be
30 sold for slaughter purposes without ~~dipping~~ treatment if
31 consigned directly and immediately on a slaughter affidavit to
32 a slaughtering establishment operating under federal, state
33 or municipal meat inspection service. ~~Such sheep shall be~~
34 ~~identified with the letter "K" in red branding paint at least~~
35 ~~four inches high on their back except those consigned to such~~

1 ~~slaughtering establishment by the original owner.~~

2 Sec. 54. Section 166A.8, Code 2011, is amended to read as
3 follows:

4 **166A.8 Quarantine of infected sheep.**

5 1. Sheep found to be infected with or exposed to scabies
6 shall be immediately ~~dipped~~ treated, as directed by and under
7 the supervision of the department, at owner's expense. Such
8 sheep shall remain under quarantine until released by the
9 department, except that sheep infected with or exposed to
10 scabies may be moved, without ~~dipping~~ treatment, directly to
11 a slaughter establishment under federal inspection, under
12 permit from the department. No sheep shall be moved into or
13 within the state of Iowa for any purpose except as provided
14 in this chapter and the ~~regulations~~ rules of the department,
15 provided sheep may be moved without ~~dipping~~ treatment between
16 properties owned or rented by the owner of ~~said~~ the sheep, if
17 not moved from a noncertified scabies-free area to a certified
18 scabies-free area.

19 2. Any person may sell or exchange sheep on the farm between
20 November 1 and April 1 without ~~dipping~~ treatment if accompanied
21 by a certificate from a licensed veterinarian that ~~they~~ the
22 sheep are free from scabies issued within ten days prior to
23 such sale or exchange until such time as the county is declared
24 a scabies-free area.

25 Sec. 55. Section 166A.10, Code 2011, is amended to read as
26 follows:

27 **166A.10 Restraint of movement.**

28 Sheep from noncertified scabies-free areas within this state
29 shall not enter certified scabies-free areas unless they have
30 been ~~dipped~~ treated in an approved ~~dip~~ manner under supervision
31 within ten days preceding movement and satisfactory evidence
32 of ~~dipping~~ treatment accompanies the shipment. However,
33 such sheep may be moved into certified scabies-free areas if
34 consigned directly to a stockyard market, auction market, or
35 slaughter establishment, under federal inspection, provided the

1 sheep are accompanied by a certificate of veterinary inspection
2 stating number, description, consignor, and consignee.

3 Sec. 56. Section 166A.11, subsection 1, paragraph b, Code
4 2011, is amended to read as follows:

5 *b. ~~Dipped~~ Treated* in an approved ~~dip~~ manner within ten days
6 prior to movement.

7 Sec. 57. REPEAL. Section 166A.5, Code 2011, is repealed.

8 DIVISION IX

9 ANIMAL HEALTH — CHRONIC WASTING

10 DISEASE AFFECTING FARM DEER

11 Sec. 58. Section 170.1, subsection 1, Code 2011, is amended
12 to read as follows:

13 1. "*Chronic wasting disease*" means the animal disease
14 afflicting deer, ~~and~~ elk, or moose that is a transmissible
15 disease of the nervous system resulting in distinctive lesions
16 in the brain and that belongs to the group of diseases that is
17 known as transmissible spongiform encephalopathies (TSE).

18 Sec. 59. Section 170.1, subsection 4, paragraph a, Code
19 2011, is amended to read as follows:

20 *a. "Farm deer"* means an animal belonging to the cervidae
21 family and classified as part of the dama species of the dama
22 genus, commonly referred to as fallow deer; part of the elaphus
23 species of the cervus genus, commonly referred to as red deer
24 or elk; part of the virginianus species of the odocoileus
25 genus, commonly referred to as whitetail; part of the hemionus
26 species of the odocoileus genus, commonly referred to as mule
27 deer; ~~or~~ part of the nippon species of the cervus genus,
28 commonly referred to as sika; or part of the alces species of
29 the alces genus, commonly referred to as moose.

30 DIVISION X

31 ANIMAL INDUSTRY

32 Sec. 60. Section 169A.11, Code 2011, is amended to read as
33 follows:

34 **169A.11 Publication of brands list.**

35 The secretary from time to time shall ~~cause to be published~~

1 ~~in book form~~ publish on the internet a list of all brands on
2 record at the time of the publication. ~~The secretary may~~
3 ~~supplement the lists from time to time.~~ The publication shall
4 contain a facsimile of all brands recorded and the owner's name
5 and post office address. The records shall be arranged in
6 convenient form for reference. ~~The secretary shall deliver one~~
7 ~~copy of the brand book and supplements to the sheriff of each~~
8 ~~county. The books and supplements shall be delivered without~~
9 ~~cost to the county. The books and supplements shall be public~~
10 ~~records as provided in chapter 22. The secretary may sell the~~
11 ~~books and supplements to the general public at the cost of~~
12 ~~printing and mailing each book.~~

13 Sec. 61. Section 172A.1, subsection 2, Code 2011, is amended
14 to read as follows:

15 2. "*Animals*" or "*livestock*" includes cattle, calves, swine,
16 ~~or~~ sheep, goats, turkeys, chickens, or horses.

17 DIVISION XI

18 AGRICULTURAL MARKETING — GENERAL

19 Sec. 62. Section 189.1, unnumbered paragraph 1, Code 2011,
20 is amended to read as follows:

21 For the purpose of this subtitle, ~~excluding chapters~~
22 ~~203, 203C, 203D, 207, and 208,~~ unless the context otherwise
23 requires:

24 Sec. 63. Section 189.1, subsections 1, 4, and 6, Code 2011,
25 are amended to read as follows:

26 1. "*Article*" ~~includes~~ means food, commercial feed,
27 agricultural seed, commercial fertilizer, drug, insecticide,
28 fungicide, pesticide, and paint, ~~linseed oil, turpentine, and~~
29 ~~illuminating oil,~~ in the sense in which they are defined in the
30 various provisions of this subtitle, ~~excluding chapters 203,~~
31 ~~203C, 203D, 207, and 208.~~

32 4. "*Package*" or "*container*", unless otherwise defined,
33 includes wrapper, box, carton, case, basket, ~~hamper,~~ can,
34 bottle, jar, tube, cask, vessel, tub, ~~firkin,~~ keg, jug, barrel,
35 tank, tank car, and other receptacles of a like nature; and

1 the expression "*offered or exposed for sale or sold in package*
2 *or wrapped form*" means the offering or exposing for sale,
3 or selling of an article which is contained in a package or
4 container as defined in this section.

5 6. "*Person*" includes a corporation, company, firm, society,
6 or association; and the act, omission, or conduct of any
7 officer, agent, or other person acting in a representative
8 capacity shall be imputed to the organization or person
9 represented, and the person acting in that capacity shall also
10 be liable for violations of this subtitle, ~~excluding chapters~~
11 ~~203, 203C, 203D, 207, and 208.~~

12 Sec. 64. Section 189.2, Code 2011, is amended to read as
13 follows:

14 **189.2 Duties.**

15 The department shall do all of the following:

16 1. Execute and enforce this subtitle, ~~except chapter 205.~~

17 2. ~~Make and publish~~ Adopt all necessary rules, not
18 inconsistent with law, for enforcing the provisions of this
19 subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208.~~

20 3. Provide educational measures and exhibits, and conduct
21 educational campaigns as are deemed advisable in fostering and
22 promoting the production and sale of the articles dealt with
23 in this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and~~
24 ~~208,~~ in accordance with the rules adopted pursuant to this
25 subtitle.

26 4. Issue from time to time, bulletins showing the results of
27 inspections, analyses, and prosecutions under this subtitle,
28 ~~excluding chapters 203, 203C, 203D, 207, and 208.~~ These
29 bulletins shall be ~~printed in such numbers as may be approved~~
30 ~~by the director of the department of administrative services~~
31 ~~and shall be distributed to the newspapers of the state and~~
32 ~~to all interested persons~~ posted on the department's internet
33 site.

34 Sec. 65. Section 189.3, Code 2011, is amended to read as
35 follows:

1 **189.3 Procuring samples.**

2 The department shall, for the purpose of examination or
3 analysis, procure from time to time, or whenever the department
4 has occasion to believe any of the provisions of this
5 subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ are
6 being violated, samples of the articles dealt with in these
7 provisions which have been shipped into this state, offered or
8 exposed for sale, or sold in the state.

9 Sec. 66. Section 189.4, Code 2011, is amended to read as
10 follows:

11 **189.4 Access to factories and buildings.**

12 The department shall have full access to all places,
13 factories, buildings, stands, or premises, and to all wagons,
14 auto trucks, vehicles, or cars used in the preparation,
15 production, distribution, transportation, offering or exposing
16 for sale, or sale of any article dealt with in this subtitle,
17 ~~excluding chapters 203, 203C, 203D, 207, and 208.~~

18 Sec. 67. Section 189.5, Code 2011, is amended to read as
19 follows:

20 **189.5 Dealer to furnish samples.**

21 Upon request and tender of the selling price by the
22 department any person who prepares, manufactures, offers or
23 exposes for sale, or delivers to a purchaser any article dealt
24 with in this subtitle, ~~excluding chapters 203, 203C, 203D,~~
25 ~~207, and 208,~~ shall furnish, within business hours, a sample
26 of the same, sufficient in quantity for a proper analysis
27 or examination as shall be provided by the rules of the
28 department.

29 Sec. 68. Section 189.6, Code 2011, is amended to read as
30 follows:

31 **189.6 Taking of samples.**

32 The department may, without the consent of the owner,
33 examine or open any package containing, or believed to contain,
34 any article or product which it suspects may be prepared,
35 manufactured, offered, or exposed for sale, sold, or held in

1 possession in violation of the provisions of this subtitle,
2 ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ in order to
3 secure a sample for analysis or examination, and the sample and
4 damage to container shall be paid for at the current market
5 price out of the contingent fund of the department.

6 Sec. 69. Section 189.7, Code 2011, is amended to read as
7 follows:

8 **189.7 Preservation of sample.**

9 After the sample is taken, it shall be carefully sealed
10 ~~with the seal of the department~~ and labeled with the name or
11 brand of the article, the name of the party from whose stock
12 it was taken, and the date and place of taking such sample.
13 Upon request a duplicate sample, sealed and labeled in the
14 same manner, shall be delivered to the person from whose stock
15 the sample was taken. The label and duplicate shall be signed
16 by the person taking the same. The method of taking samples
17 of particular articles may be prescribed by the rules of the
18 department.

19 Sec. 70. Section 189.8, Code 2011, is amended to read as
20 follows:

21 **189.8 Witnesses.**

22 In the enforcement of the provisions of this subtitle,
23 ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ the
24 department shall have power to issue subpoenas for witnesses,
25 enforce their attendance, and examine them under oath. The
26 witnesses shall be allowed the same fees as witnesses in
27 district court. The fees shall be paid out of the contingent
28 fund of the department.

29 Sec. 71. Section 189.9, subsection 1, unnumbered paragraph
30 1, Code 2011, is amended to read as follows:

31 All articles in package or wrapped form which are required
32 by this subtitle, ~~excluding chapters 203, 203C, 203D, 207,~~
33 ~~and 208,~~ to be labeled, unless otherwise provided, shall be
34 conspicuously marked in the English language in legible letters
35 ~~of not less than eight point heavy gothic caps~~ on the principal

1 label with the following items:

2 Sec. 72. Section 189.11, Code 2011, is amended to read as
3 follows:

4 **189.11 Labeling of mixtures — federal requirements.**

5 1. In addition to the requirements of section 189.9, unless
6 otherwise provided, articles which are mixtures, compounds,
7 combinations, blends, or imitations shall be marked as such
8 and immediately followed, without any intervening matter and
9 in the same size and style of type, by the names of all the
10 ingredients contained therein, beginning with the one present
11 in the largest proportion.

12 2. Notwithstanding any other requirements of this
13 chapter or of chapter 190, ~~foods and~~ food or food products,
14 or pesticides, labeled in conformance with the labeling
15 requirements of the government of the United States shall be
16 deemed to be labeled in conformance with the laws of the state
17 of Iowa.

18 Sec. 73. Section 189.13, Code 2011, is amended to read as
19 follows:

20 **189.13 False labels — defacement.**

21 A person shall not use any label required by this subtitle,
22 ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ which bears
23 any representations of any kind which are deceptive as to the
24 true character of the article or the place of its production,
25 or which has been carelessly printed or marked, nor shall any
26 person erase or deface any label required by this subtitle,
27 ~~excluding chapters 203, 203C, 203D, 207, and 208.~~

28 Sec. 74. Section 189.14, subsection 1, Code 2011, is amended
29 to read as follows:

30 1. A person shall not knowingly introduce into this state,
31 solicit orders for, deliver, transport, or have in possession
32 with intent to sell, any article which is labeled in any
33 other manner than that prescribed by this subtitle, ~~excluding~~
34 ~~chapters 203, 203C, 203D, 207, and 208,~~ for the label of the
35 article when offered or exposed for sale, or sold in package

1 or wrapped form in this state.

2 Sec. 75. Section 189.15, Code 2011, is amended to read as
3 follows:

4 **189.15 Adulterated articles.**

5 A person shall not knowingly manufacture, introduce into
6 the state, solicit orders for, sell, deliver, transport, have
7 in possession with the intent to sell, or offer or expose
8 for sale, any article which is adulterated according to the
9 provisions of this subtitle, ~~excluding chapters 203, 203C,~~
10 ~~203D, 207, and 208.~~

11 Sec. 76. Section 189.19, unnumbered paragraph 1, Code 2011,
12 is amended to read as follows:

13 The following provisions apply to all licenses issued or
14 authorized under this subtitle, ~~excluding chapters 203, 203C,~~
15 ~~203D, 207, and 208:~~

16 Sec. 77. Section 189.19, subsection 2, Code 2011, is amended
17 to read as follows:

18 2. *Refusal and revocation.* For good and sufficient grounds
19 the department may refuse to grant a license to any applicant;
20 and ~~it~~ the department may revoke a license for a violation
21 of any provision of this subtitle, ~~excluding chapters 203,~~
22 ~~203C, 203D, 207, and 208,~~ or for the refusal or failure of any
23 licensee to obey the lawful directions of the department.

24 Sec. 78. Section 189.20, Code 2011, is amended to read as
25 follows:

26 **189.20 Injunction.**

27 Any person engaging in any business for which a license is
28 required by this subtitle, ~~excluding chapters 203, 203C, 203D,~~
29 ~~207, and 208,~~ without obtaining such license, may be restrained
30 by injunction, and shall pay all costs made necessary by such
31 procedure.

32 Sec. 79. Section 189.21, Code 2011, is amended to read as
33 follows:

34 **189.21 Penalty.**

35 Unless otherwise provided, any person violating any

1 provision of this subtitle, ~~excluding chapters 203, 203C, 203D,~~
2 ~~207, and 208,~~ or any rule adopted by the department pursuant to
3 such a provision, is guilty of a simple misdemeanor.

4 Sec. 80. Section 189.23, Code 2011, is amended to read as
5 follows:

6 **189.23 Common carrier.**

7 The penalties provided in this subtitle, ~~excluding chapters~~
8 ~~203, 203C, 203D, 207, and 208,~~ shall not be imposed upon any
9 common carrier for introducing into the state, or having in
10 its possession, any article which is adulterated or improperly
11 labeled according to the provisions of this subtitle, ~~excluding~~
12 ~~chapters 203, 203C, 203D, 207, and 208,~~ when the same was
13 received by the carrier for transportation in the ordinary
14 course of its business and without actual knowledge of its true
15 character.

16 Sec. 81. Section 189.24, Code 2011, is amended to read as
17 follows:

18 **189.24 Report of violations.**

19 When it appears that any of the provisions of this subtitle,
20 ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ have been
21 violated, the department ~~shall at once~~ may certify the facts
22 to the proper county attorney~~r~~. The certification shall
23 be accompanied with a copy of the results of any analysis,
24 examination, or inspection the department may have made,
25 duly authenticated by the proper person under oath, and with
26 any additional evidence which may be in possession of the
27 department.

28 Sec. 82. Section 189.28, Code 2011, is amended to read as
29 follows:

30 **189.28 Goods for sale in other states.**

31 Any person may keep articles specifically set apart in the
32 person's stock for sale in other states which do not comply
33 with the provisions of this subtitle, ~~excluding chapters 203,~~
34 ~~203C, 203D, 207, and 208,~~ as to standards, purity, or labeling.

35 Sec. 83. Section 189.29, Code 2011, is amended to read as

1 follows:

2 **189.29 Reports by dealers.**

3 Every person who deals in or manufactures any of the articles
4 dealt with in this subtitle, ~~excluding chapters 203, 203C,~~
5 ~~203D, 207, and 208,~~ shall make upon blanks furnished by the
6 department such reports and furnish such statistics as may be
7 required by the department and certify to the correctness of
8 the same.

9 Sec. 84. CODE EDITOR DIRECTIVE. The Iowa Code editor shall
10 eliminate footnotes in Code chapter 189 which refer to the
11 movement of chapters 203, 203C, 203D, 207, and 208 to title V,
12 subtitle 4.

13 DIVISION XII

14 AGRICULTURAL MARKETING — GRAIN DEALER REGULATION

15 Sec. 85. Section 203.1, subsection 9, Code 2011, is amended
16 by striking the subsection and inserting in lieu thereof the
17 following:

18 9. "*Grain*" means any grain for which the United States
19 department of agriculture has established standards pursuant to
20 the United States Grain Standards Act, 7 U.S.C. ch. 3.

21 Sec. 86. Section 203.1, Code 2011, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 13A. "*United States Warehouse Act*" means
24 the United States Warehouse Act, 7 U.S.C. ch. 10.

25 Sec. 87. Section 203.2A, Code 2011, is amended to read as
26 follows:

27 **203.2A ~~Notice requirement for grain~~ Grain purchasers who are**
28 **not licensed grain dealers — special notice requirements.**

29 1. A This section applies to a person shall not purchase
30 who is not required to be issued a license as a grain dealer
31 pursuant to section 203.3. The person shall not purchase grain
32 from a producer for purposes of resale, milling, feeding, or
33 processing, unless one of the following applies:.

34 1. 2. The person is a grain dealer licensed pursuant
35 to section 203.3. Subsection 1 does not apply to any of the

1 following:

2 2. a. ~~The A person has purchased~~ who purchases less than
3 fifty thousand bushels of grain from all producers in the
4 twelve months prior to purchasing grain from the producer.

5 ~~3. a.~~ b. ~~The A person provides~~ who provides notice to the
6 producer as provided in subsection 3.

7 3. a. The notice ~~shall~~ must be in the following form:

8 ~~ATTENTION TO PRODUCERS:-~~
9 ~~THE PERSON PURCHASING THIS GRAIN IS NOT A LICENSED GRAIN~~
10 ~~DEALER AND THIS IS NOT A COVERED TRANSACTION ELIGIBLE FOR~~
11 ~~INDEMNIFICATION FROM THE GRAIN DEPOSITORS AND SELLERS INDEMNITY~~
12 ~~FUND AS PROVIDED IN IOWA CODE SECTION 203D.3~~

13 Attention to Producers:

14 The person purchasing this grain is not a licensed grain
15 dealer and this is not a covered transaction eligible for
16 indemnification from the grain dealers and sellers indemnity
17 fund as provided in Iowa Code section 203D.3

18 b. The notice ~~shall~~ must be provided to the producer prior
19 to or at the time of the purchase. The notice may appear on
20 a separate statement or as part of a document received by the
21 producer, including a contract or receipt, as required by the
22 department.

23 ~~c.~~ ~~The form of the notice shall be prescribed by the~~
24 ~~department.~~ The notice ~~shall~~ must appear in a printed boldface
25 font in at least ten point type.

26 Sec. 88. Section 203.5, subsection 7, Code 2011, is amended
27 to read as follows:

28 7. ~~If~~ The department may deny a license to an applicant,
29 if the applicant has had a license issued under this chapter
30 or chapter 203C revoked ~~for cause~~ within the past three years,
31 ~~or~~ the applicant has been convicted of a felony involving
32 ~~violations~~ a violation of this chapter or chapter 203C, or ~~is~~
33 the applicant is owned or controlled by a person who has had a
34 license so revoked or who has been so convicted, ~~the department~~
35 ~~may deny a license to the applicant.~~

1 Sec. 89. Section 203.9, Code 2011, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 4. The department may suspend or revoke
4 the license of a grain dealer for failing to consent to a
5 departmental inspection or cooperate with the department during
6 an inspection as provided in this chapter.

7 Sec. 90. Section 203.10, Code 2011, is amended to read as
8 follows:

9 **203.10 ~~Suspension or revocation of~~ Action affecting a**
10 **license.**

11 1. The cessation of a grain dealer's license occurs from any
12 of the following:

13 a. The revocation of the license by the department as
14 provided in subsection 2.

15 b. The cancellation of the license as provided in section
16 203.5.

17 c. The expiration of the license according to the terms
18 of the license as provided in this chapter, including a rule
19 adopted in accordance with this chapter, pursuant to chapter
20 17A.

21 2. The department may issue an order to suspend or revoke
22 the license of a grain dealer who violates a provision of this
23 chapter, including a rule adopted under in accordance with
24 this chapter, as provided in pursuant to chapter 17A. If a
25 grain dealer fails to consent to a departmental inspection
26 or cooperate with the department during an inspection as
27 provided in section 203.9, the department may issue an order
28 to immediately suspend or revoke the grain dealer's license
29 pursuant to section 17A.18.

30 Sec. 91. Section 203.12, Code 2011, is amended to read as
31 follows:

32 **203.12 Claims — cessation of a license and notice of license**
33 **revocation.**

34 1. Upon revocation, termination, or the cessation of a
35 grain dealer license by revocation, cancellation, of a grain

1 ~~dealer license or expiration~~, any claim for the purchase price
2 of grain against the grain dealer shall be made in writing
3 and filed with the grain dealer and with the issuer of a
4 deficiency bond or of an irrevocable letter of credit and with
5 the department within one hundred twenty days after ~~revocation,~~
6 ~~termination, or cancellation~~ the date of the cessation.

7 ~~Failure~~ A failure to make this timely claim relieves the issuer
8 and the grain depositors and sellers indemnity fund provided in
9 chapter 203D of all obligations to the claimant.

10 2. Upon the revocation of a grain dealer license, the
11 department shall cause notice of the revocation to be published
12 once each week for two consecutive weeks in a newspaper of
13 general circulation within the state of Iowa and in a newspaper
14 of general circulation within the county of the grain dealer's
15 principal place of business when that dealer's principal place
16 of business is located in the state of Iowa. The notice
17 shall state the name and address of the grain dealer and the
18 effective date of revocation. The notice shall also state that
19 any claims against the grain dealer shall be made in writing
20 and sent by ordinary mail or delivered personally within one
21 hundred twenty days after revocation to the grain dealer, to
22 the issuer of a deficiency bond or of an irrevocable letter of
23 credit, and to the department, and the notice shall state that
24 the failure to make a timely claim does not relieve the grain
25 dealer from liability to the claimant.

26 Sec. 92. Section 203.12A, subsection 5, Code 2011, is
27 amended to read as follows:

28 5. The Iowa grain indemnity fund board, shall upon written
29 demand of the grain dealer, shall file a termination statement
30 with the secretary of state, ~~if the license of the grain dealer~~
31 ~~is not revoked, terminated, or canceled~~ after one hundred
32 eighty days from the date that the lien is perfected the grain
33 dealer's license has not ceased by revocation, cancellation, or
34 expiration. Upon filing the termination statement, the lien
35 becomes unperfected. The board shall also deliver a copy of

1 the termination statement to the grain dealer.

2 Sec. 93. Section 203.12B, subsection 7, paragraph c, Code
3 2011, is amended to read as follows:

4 c. Not have had a grain dealer's license issued pursuant
5 to section 203.3 suspended or revoked as provided in section
6 203.10.

7 Sec. 94. Section 203.15, subsection 3, Code 2011, is amended
8 to read as follows:

9 3. Title to all grain sold by a credit-sale contract is
10 in the purchasing grain dealer as of the time the contract is
11 executed, unless the contract provides otherwise. The contract
12 must be signed and dated by both parties and executed in
13 duplicate. One copy shall be retained by the grain dealer and
14 one copy shall be delivered to the seller. Upon ~~revocation,~~
15 ~~termination, or cancellation~~ the cessation of the grain
16 dealer's license by revocation, cancellation, or expiration,
17 the payment date for all credit-sale contracts shall be
18 advanced to a date not later than thirty days after the
19 effective date of the ~~revocation, termination, or cancellation~~
20 cessation, and the purchase price for all unpriced grain
21 shall be determined as of the effective date of ~~revocation,~~
22 ~~termination, or cancellation~~ the cessation in accordance with
23 all other provisions of the contract. However, if the business
24 of the grain dealer is sold to another licensed grain dealer,
25 credit-sale contracts may be assigned to the purchaser of the
26 business.

27 Sec. 95. Section 203.15, subsection 4, paragraph b, Code
28 2011, is amended to read as follows:

29 b. A grain dealer who is also a warehouse operator
30 licensed by the department under chapter 203C or the United
31 States department of agriculture under the United States
32 Warehouse Act, ~~7 U.S.C. § 241 et seq.,~~ and who does not have
33 a sufficient quantity or quality of grain to satisfy the
34 warehouse operator's obligations based on an examination by
35 the department or the United States department of agriculture

1 shall not purchase grain on credit-sale contract to correct the
2 shortage of grain.

3 Sec. 96. Section 203.15, subsection 4, paragraph c,
4 subparagraph (2), subparagraph division (c), Code 2011, is
5 amended to read as follows:

6 (c) If an adequate replacement bond is not received by the
7 department within sixty days of the issuance of the notice
8 of cancellation, the department shall ~~automatically~~ suspend
9 the grain dealer's license. The department shall cause an
10 inspection of the licensed grain dealer immediately at the
11 end of the sixty-day period. If a replacement bond is not
12 filed within another thirty days following the suspension, the
13 department shall revoke the grain dealer's license shall
14 ~~be automatically revoked.~~

15 Sec. 97. Section 203.15, subsection 5, unnumbered paragraph
16 1, Code 2011, is amended to read as follows:

17 The department may ~~adopt rules to~~ suspend the right of a
18 grain dealer to purchase grain by credit-sale contract based on
19 any of the following conditions:

20 Sec. 98. Section 203.15, subsection 5, paragraphs a and b,
21 Code 2011, are amended to read as follows:

22 a. The grain dealer who is also a warehouse operator
23 licensed by the department under chapter 203C or the United
24 States department of agriculture under the United States
25 Warehouse Act, ~~7 U.S.C. § 241 et seq.,~~ does not have a
26 sufficient quantity or quality of grain to satisfy the
27 warehouse operator's obligations based on an examination by the
28 department or the United States department of agriculture.

29 b. The grain dealer who is also a warehouse operator
30 licensed by the department under chapter 203C or the United
31 States department of agriculture under the United States
32 Warehouse Act, ~~7 U.S.C. § 241 et seq.,~~ issues back to the
33 grain dealer a warehouse receipt for purposes of providing
34 collateral, if the grain which is the subject of the warehouse
35 receipt was purchased on credit and is unpaid for by the grain

1 dealer.

2 DIVISION XIII

3 AGRICULTURAL MARKETING — WAREHOUSE OPERATOR REGULATION

4 Sec. 99. Section 203C.1, subsection 11, Code 2011, is
5 amended by striking the subsection and inserting in lieu
6 thereof the following:

7 11. *“Grain”* means the same as defined in section 203.1.

8 Sec. 100. Section 203C.1, Code 2011, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 25A. *“United States Warehouse Act”* means
11 the same as defined in section 203.1.

12 Sec. 101. Section 203C.1, subsection 26, Code 2011, is
13 amended to read as follows:

14 26. *“Unlicensed warehouse operator”* means a warehouse
15 operator who retains grain in the warehouse not to exceed
16 thirty days and is not licensed under the provisions of this
17 chapter or ~~Tit. VII, U.S.C.~~ the United States Warehouse Act.

18 Sec. 102. Section 203C.6, subsection 7, Code 2011, is
19 amended to read as follows:

20 7. ~~If~~ The department may deny a license to an applicant,
21 if the applicant has had a license issued under chapter 203 or
22 this chapter revoked for cause within the past three years,
23 or the applicant has been convicted of a felony involving
24 violations of chapter 203 or this chapter, or the applicant
25 is owned or controlled by a person who has had a license so
26 revoked or who has been so convicted, ~~the department may deny a~~
27 ~~license to the applicant.~~

28 Sec. 103. Section 203C.10, Code 2011, is amended to read as
29 follows:

30 ~~203C.10 Suspension or revocation of~~ Action affecting a
31 license.

32 1. The cessation of a warehouse operator’s license occurs
33 from any of the following:

34 a. The revocation of the license by the department as
35 provided in subsection 2.

1 b. The cancellation of the license as provided in section
2 203C.37.

3 c. The expiration of the license according to the terms
4 of the license as provided in this chapter, including a rule
5 adopted in accordance with this chapter, pursuant to chapter
6 17A.

7 2. The department may issue an order to suspend or revoke
8 the license of a warehouse operator who violates a provision of
9 this chapter, including a rule adopted under in accordance with
10 this chapter, as provided in pursuant to chapter 17A.

11 3. If The department may suspend or revoke the license
12 of a warehouse operator fails for failing to consent to a
13 departmental inspection during an inspection as provided
14 in section 203C.2, the department may issue an order to
15 immediately suspend or revoke the grain dealer's license
16 pursuant to section 17A.18 or cooperate with the department
17 during an inspection as provided by this chapter.

18 Sec. 104. Section 203C.11, subsection 1, Code 2011, is
19 amended by striking the subsection and inserting in lieu
20 thereof the following:

21 1. The department shall proceed under section 203C.15 if it
22 has cause to believe that a licensed warehouse operator does
23 not provide for and carry an insurance policy as required in
24 that section.

25 Sec. 105. Section 203C.12A, subsection 5, Code 2011, is
26 amended to read as follows:

27 5. The Iowa grain indemnity fund board shall upon written
28 demand of the warehouse operator file a termination statement
29 with the secretary of state, ~~if the license of the warehouse~~
30 ~~operator is not revoked, terminated, or canceled~~ after one
31 hundred eighty days from the date that the lien is perfected
32 the warehouse operator's license has not ceased by revocation,
33 cancellation, or expiration. Upon filing the termination
34 statement, the lien becomes unperfected. The board shall also
35 deliver a copy of the termination statement to the warehouse

1 operator.

2 Sec. 106. Section 203C.13, subsection 3, Code 2011, is
3 amended to read as follows:

4 3. A bond, deficiency bond, or irrevocable letter of credit
5 on agricultural products other than bulk grain shall not be
6 canceled by the issuer on less than one hundred twenty days'
7 notice by certified mail to the department and the principal.
8 When the department receives notice from an issuer that it has
9 canceled the bond, deficiency bond, or irrevocable letter of
10 credit on agricultural products other than bulk grain of a
11 warehouse operator, the department shall automatically suspend
12 the warehouse operator's authorization to store or accept for
13 storage agricultural products other than bulk grain if a new
14 bond, deficiency bond, or irrevocable letter of credit is not
15 received by the department within sixty days of the issuance of
16 the notice of cancellation. The department shall conduct an
17 inspection of the licensee's warehouse immediately at the end
18 of the sixty-day period. If a new bond, deficiency bond, or
19 irrevocable letter of credit is not provided within ninety days
20 of the issuance of the notice of cancellation, the department
21 shall revoke the warehouse operator's authorization to store
22 or accept for storage agricultural products other than bulk
23 grain. The department shall conduct a further inspection of
24 the licensee's warehouse after the ninety-day period. When
25 an authorization to store or accept for storage agricultural
26 products other than bulk grain is revoked, the department
27 shall give notice of the revocation to all known persons who
28 have agricultural products other than bulk grain in storage,
29 and shall notify them that the agricultural products other
30 than bulk grain must be removed from the warehouse not later
31 than one hundred twenty days after the issuance of the notice
32 of cancellation. The revocation notice shall be sent by
33 ordinary mail to the last known address of each person having
34 agricultural products other than bulk grain in storage. The
35 department shall cause a final inspection of the licensee's

1 warehouse after the end of the one hundred twenty-day period.

2 Sec. 107. Section 203C.14, Code 2011, is amended to read as
3 follows:

4 **203C.14 Suit — claims — notice of revocation.**

5 1. A person injured by the breach of an obligation of a
6 warehouse operator, for the performance of which a bond on
7 agricultural products other than bulk grain, a deficiency
8 bond, or an irrevocable letter of credit has been given under
9 any of the provisions of this chapter, may sue on the bond on
10 agricultural products other than bulk grain, deficiency bond,
11 or irrevocable letter of credit in the person's own name in
12 a court of competent jurisdiction to recover any damages the
13 person has sustained by reason of the breach.

14 2. Upon ~~revocation, termination, or cancellation of a~~
15 ~~warehouse license, a~~ the cessation of a warehouse operator's
16 license due to revocation, cancellation, or expiration, a claim
17 against the warehouse operator arising under this chapter
18 shall be made in writing with the warehouse operator, with
19 the issuer of a bond on agricultural products other than bulk
20 grain, a deficiency bond, or an irrevocable letter of credit,
21 and, if the claim relates to bulk grain, with the department.
22 The claim must be made within one hundred twenty days after
23 ~~revocation, termination, or cancellation~~ the cessation of the
24 license. ~~Failure~~ The failure to make a timely claim relieves
25 the issuer and, if the claim relates to bulk grain, the grain
26 depositors and sellers indemnity fund provided in chapter 203D
27 of all obligations to the claimant.

28 3. Upon revocation of a warehouse license, the department
29 shall cause notice of the revocation to be published once
30 each week for two consecutive weeks in a newspaper of general
31 circulation in each of the counties in which the licensee
32 maintains a business location and in a newspaper of general
33 circulation within the state. The notice shall state the name
34 and address of the warehouse operator and the effective date
35 of revocation. The notice shall also state that any claims

1 against the warehouse operator shall be made in writing and
2 sent by ordinary mail to the warehouse operator, to the issuer
3 of a bond on agricultural products other than bulk grain,
4 deficiency bond, or an irrevocable letter of credit, and to the
5 department within one hundred twenty days after revocation,
6 and the notice shall state that the failure to make a timely
7 claim does not relieve the warehouse operator from liability to
8 the claimant. This paragraph does not apply if a receiver is
9 appointed as provided in this chapter pursuant to a petition
10 which is filed by the department prior to the expiration of
11 one hundred twenty days after revocation, termination, or
12 cancellation of the license.

13 Sec. 108. Section 203C.15, subsection 1, unnumbered
14 paragraph 1, Code 2011, is amended to read as follows:

15 All A warehouse operator shall maintain insurance coverage
16 as provided in this section. In order to maintain insurance
17 coverage, all agricultural products in storage in a licensed
18 warehouse and all agricultural products which have been
19 deposited temporarily in a licensed warehouse pending storage
20 or for purposes other than storage, shall be kept fully insured
21 by the warehouse operator as provided in this section for the
22 current value of the agricultural products against loss by
23 fire, inherent explosion, ~~or~~ windstorm, or any other similar
24 catastrophe designated by rules which may be adopted by the
25 department.

26 Sec. 109. Section 203C.15, subsection 1, paragraphs a and b,
27 Code 2011, are amended by striking the paragraphs.

28 Sec. 110. Section 203C.15, Code 2011, is amended by adding
29 the following new subsections:

30 NEW SUBSECTION. 1A. The insurance coverage required
31 in subsection 1 shall be carried by one or more insurance
32 companies. Such an insurance company must be all of the
33 following:

34 a. Organized or operating under the laws of this state or
35 authorized by the laws of this state to do business in this

1 state.

2 *b.* An insurer of agricultural products in this state as
3 provided in subsection 1.

4 NEW SUBSECTION. 1B. Insurance coverage may be terminated by
5 its expiration without renewal, or canceled by the insurance
6 company on its own volition or as a result of an action or
7 inaction by the insured licensed warehouse operator.

8 NEW SUBSECTION. 1C. A licensed warehouse operator shall
9 be responsible for providing the department with all of the
10 following:

11 *a.* Evidence of insurance coverage as required in subsection
12 1A that is an insurance policy or other document approved by
13 the department which evidences property and casualty insurance.

14 *b.* Proof of insurance which verifies that evidence of
15 insurance coverage submitted by a licensed warehouse operator
16 complies with subsection 1.

17 NEW SUBSECTION. 1D. A warehouse operator must submit
18 evidence of insurance coverage with the department as required
19 by the department. The department must approve the evidence of
20 insurance coverage before the department files it. A warehouse
21 operator shall not be issued a license or retain a license
22 unless evidence of insurance coverage is on file with the
23 department.

24 NEW SUBSECTION. 1E. The department may demand proof
25 of insurance coverage by the licensed warehouse operator,
26 regardless of whether the department has previously approved
27 proof of insurance or approved or filed evidence of insurance
28 coverage. The demand must be in writing and must explain the
29 department's enforcement action resulting from the warehouse
30 operator's noncompliance.

31 *a.* The licensed warehouse operator may comply to the demand
32 by doing any of the following:

33 (1) Assuring the department that existing evidence of
34 insurance coverage filed with the department complies with the
35 requirements of this section.

1 (2) Obtaining additional or new insurance coverage. The
2 licensed warehouse operator must submit and the department must
3 approve and file the supplemental or new evidence of insurance
4 coverage necessary to comply with the requirements of this
5 section.

6 *b.* If the licensed warehouse operator fails to comply with
7 the requirements of the demand letter as set out in paragraph
8 "a", the department shall take enforcement action as follows:

9 (1) Thirty days after delivering the demand letter to the
10 licensed warehouse operator, the department shall suspend the
11 warehouse license.

12 (2) Forty days after delivering the demand letter to the
13 licensed warehouse operator, the department shall revoke the
14 warehouse license.

15 *c.* The department may inspect a licensed warehouse at any
16 time.

17 *d.* The department shall terminate an enforcement action as
18 provided in paragraph "b", if the licensed warehouse operator
19 submits any proof of insurance or supplemental or new evidence
20 of insurance which the department approves. However, this
21 paragraph "d" applies only if the licensed warehouse operator
22 submits the proof of insurance or evidence of insurance prior
23 to the effective date of the revocation.

24 NEW SUBSECTION. 1F. An insurance company shall not cancel
25 insurance coverage unless any of the following applies:

26 *a.* The insurance company provides the department and the
27 licensed warehouse operator with at least ninety days' notice
28 of cancellation by mail.

29 *b.* The insurance coverage is renewed or replaced by the
30 licensed warehouse operator, and the department has approved
31 and filed the evidence of insurance coverage at the time
32 that the department would have received the mailed notice of
33 cancellation.

34 NEW SUBSECTION. 1G. The department shall take enforcement
35 action against a licensed warehouse whose insurance coverage

1 has been terminated by cancellation or expiration.

2 *a.* The department shall suspend the warehouse license. The
3 suspension shall take effect on the date that the insurance
4 coverage terminates. However, the department shall terminate
5 the suspension if the licensed warehouse operator submits
6 proof of insurance or any renewed or new evidence of insurance
7 coverage to the department. In addition, all of the following
8 requirements apply:

9 (1) The department must receive the proof of insurance
10 or evidence of insurance coverage within ten days after the
11 effective date of the suspension.

12 (2) The department must approve the proof of insurance or
13 evidence of insurance coverage.

14 *b.* The department shall revoke the warehouse license. The
15 revocation shall take effect eleven days after the effective
16 date of the suspension, unless the suspension is terminated as
17 provided in paragraph "a".

18 Sec. 111. Section 203C.16, subsection 1, Code 2011, is
19 amended to read as follows:

20 1. The acceptance and storage of bulk grain by a person
21 bonded and licensed under the ~~provisions of a federal law, to~~
22 ~~the extent that the person is authorized under federal law~~
23 ~~to accept and store bulk grain~~ United States Warehouse Act.
24 ~~However, the person shall comply with all other provisions of~~
25 ~~this chapter which do not conflict with such federal law.~~

26 Sec. 112. Section 203C.17, subsection 8, paragraphs a and c,
27 Code 2011, are amended to read as follows:

28 *a.* ~~Every~~ At least once each year, a licensed warehouse
29 operator shall, ~~on or before July 1 of each year,~~ send a
30 statement ~~for~~ to each holder of a warehouse receipt covering
31 grain ~~held~~ stored at the licensed warehouse operator's licensed
32 warehouse for more than one year at that warehouse to. ~~The~~
33 statement shall be delivered in person or mailed to the
34 holder's last known address. The statement shall show the
35 amount of all grain ~~held~~ stored pursuant to a warehouse receipt

1 for such warehouse receipt holder and the amount of any storage
2 charges held by the licensed warehouse operator against that
3 grain. ~~However, a licensed warehouse operator need not prepare~~
4 ~~this annual statement for a holder of a warehouse receipt,~~
5 ~~if the licensed warehouse operator prepares such statements~~
6 ~~monthly, quarterly or for any other period more frequent than~~
7 ~~annually.~~

8 ~~c. Violation~~ A violation of this section shall not
9 constitute grounds for the suspension, or revocation, or
10 ~~modification of the~~ a warehouse operator's license of anyone
11 ~~licensed under this chapter.~~

12 Sec. 113. Section 203C.18, subsection 1, paragraph c, Code
13 2011, is amended to read as follows:

14 ~~c. A statement that the receipt is issued subject to the~~
15 ~~Iowa warehouse Act and the rules and regulations prescribed~~
16 ~~pursuant to this chapter.~~

17 Sec. 114. Section 203C.18, subsection 3, Code 2011, is
18 amended to read as follows:

19 3. ~~Forms~~ A form for a warehouse receipts receipt shall only
20 be printed by a person approved by the department. A form
21 for a warehouse receipt shall be printed in accordance with
22 specifications set forth by the department. ~~A form~~ warehouse
23 operator shall surrender to the department all forms for a
24 warehouse receipt receipts that is are unused at the time that
25 a the warehouse operator's license is canceled, suspended,
26 revoked, or terminated shall be surrendered to the department or
27 ceases due to revocation, cancellation, or expiration. The
28 warehouse operator shall surrender the warehouse receipts in a
29 manner required by the department.

30 Sec. 115. Section 203C.30, Code 2011, is amended to read as
31 follows:

32 **203C.30 Inspecting and grading.**

33 Grain, ~~flaxseed,~~ or any other fungible agricultural product
34 stored in a warehouse licensed under this chapter for which no
35 separate compartment is provided, and its identity preserved,

1 shall be inspected and graded.

2 Sec. 116. Section 203C.39, Code 2011, is amended to read as
3 follows:

4 **203C.39 Grain stored in another warehouse.**

5 A licensed warehouse operator may store grain in ~~any other an~~
6 alternative warehouse located in Iowa ~~licensed in accordance~~
7 ~~with section 203C.6 or the United States Warehouse Act, 7~~
8 ~~U.S.C. ch. 10, subject to the following conditions:~~ or another
9 state as provided in this section.

10 1. a. The alternative warehouse located in Iowa must be
11 another licensed warehouse or a warehouse licensed pursuant to
12 the United States Warehouse Act.

13 b. The alternative warehouse located in another state must
14 be licensed pursuant to the applicable laws of the state in
15 which the alternative warehouse is located or the United States
16 Warehouse Act. A warehouse operator shall not store grain
17 in an alternative warehouse located in another state, unless
18 approved in writing by the department in a manner required by
19 the department.

20 2. In storing grain in an alternative warehouse under
21 subsection 1, all of the following requirements apply:

22 a. The warehouse operator must obtain from such warehouse
23 operator a nonnegotiable warehouse receipt and such receipt
24 must show clearly the following notation:

25 ~~"Held~~ Held in trust for depositors ~~of~~ of (name of original
26 receiving warehouse).

27 ~~2. b.~~ b. When the licensed warehouse operator begins to use
28 ~~the additional facilities described in this section~~ alternative
29 warehouse, the licensed warehouse operator must have sufficient
30 net worth under section 203C.6 or provide a deficiency bond or
31 an irrevocable letter of credit to cover the increase in the
32 licensed warehouse operator's gross capacity.

33 3. A licensed warehouse operator may transfer grain for
34 storage to another licensed warehouse operator while the
35 warehouse operator receiving such grain has grain stored

1 elsewhere under the provisions of this section.

2 Sec. 117. REPEAL. Section 203C.27, Code 2011, is repealed.

3

DIVISION XIV

4

AGRICULTURAL MARKETING — GRAIN DEPOSITORS AND SELLERS

5

INDEMNITY FUND

6

7 Sec. 118. Section 203D.1, subsection 7, Code Supplement
8 2011, is amended by striking the subsection and inserting in
9 lieu thereof the following:

9

7. "Grain" means the same as defined in section 203.1.

10

11 Sec. 119. Section 203D.6, subsection 2, paragraph a,
12 subparagraph (1), Code 2011, is amended to read as follows:

12

13 (1) The ~~revocation, termination, or cancellation~~ cessation
14 of the license of the grain dealer as described in section
15 203.10 or warehouse operator as described in section 203C.10.

15

DIVISION XV

16

PESTICIDE REGULATION — CERTIFICATION

17

18 Sec. 120. Section 206.2, subsection 25, Code 2011, is
19 amended to read as follows:

19

20 25. a. "Public applicator" means an individual who applies
21 pesticides as an employee of a state agency, county, municipal
22 corporation, or other governmental agency.

22

23 b. ~~This term~~ "Public applicator" does not include employees
24 an employee who work works only under the direct supervision
25 of a public applicator.

25

26 Sec. 121. Section 206.5, subsection 2, paragraph a, Code
27 2011, is amended to read as follows:

27

28 a. A commercial applicator shall ~~choose between a one-year~~
29 ~~certification for which the applicator shall pay a thirty~~
30 ~~dollar fee or a three-year certification for which the~~
31 ~~applicator shall pay a seventy-five dollar fee~~ for a three-year
32 certification. A public applicator shall ~~choose between a~~
33 ~~one-year certification for which the applicator shall pay a~~
34 ~~ten-dollar fee or a three-year certification for which the~~
35 ~~applicator shall pay a fifteen-dollar fee.~~ A public applicator
or a private applicator shall pay a fifteen-dollar fee for a

1 three-year certification.

2 Sec. 122. Section 206.5, subsection 7, paragraph b,
3 unnumbered paragraph 1, Code 2011, is amended to read as
4 follows:

5 The department shall adopt rules providing for the
6 program requirements which ~~shall at least~~ may include the
7 safe handling, application, and storage of pesticides, the
8 correct calibration of equipment used for the application of
9 pesticides, and the effects of pesticides upon the groundwater.

10 Sec. 123. Section 206.5, subsection 7, paragraph c, Code
11 2011, is amended by striking the paragraph.

12 Sec. 124. Section 206.6, subsection 5, paragraph c, Code
13 2011, is amended to read as follows:

14 c. The secretary shall issue a commercial applicator
15 license limited to the classifications for which the applicant
16 is qualified, which shall expire ~~at the end of the calendar~~
17 year of issue as provided in section 206.5, unless it has
18 been revoked or suspended by the secretary for cause. The
19 secretary may limit the license of the applicant to the use of
20 certain pesticides, or to certain areas, or to certain types of
21 equipment if the applicant is only so qualified. If a license
22 is not issued as applied for, the secretary shall inform the
23 applicant in writing of the reasons.

24 Sec. 125. APPLICABILITY — CURRENT CERTIFICATIONS.
25 Notwithstanding section 206.5, as amended in this division of
26 this Act, a certification issued to a commercial applicator
27 or a public applicator prior to the effective date of this
28 division of this Act shall expire according to section 206.5,
29 Code 2011, as that section existed immediately prior to the
30 effective date of this division of this Act.

31 DIVISION XVI

32 PESTICIDE REGULATION — LICENSURE

33 Sec. 126. Section 206.6, subsection 5, paragraph a,
34 subparagraph (3), Code 2011, is amended to read as follows:

35 (3) An applicant applying for a license to engage in

1 aerial application of pesticides must ~~meet all of~~ demonstrate
2 compliance with the requirements of the federal aviation
3 administration, the United States department of transportation,
4 and any other applicable federal or state laws or regulations
5 to operate the equipment described in the application.

6 Sec. 127. Section 206.8, subsection 2, unnumbered paragraph
7 1, Code 2011, is amended to read as follows:

8 A The annual license fee for a pesticide dealer shall pay is
9 due and payable by June 30 of each year to the department ~~an~~.
10 The annual license fee is based on the gross retail sales of
11 all pesticides sold for use in this state by the dealer in the
12 previous year. The license fee shall be set as follows:

13 Sec. 128. Section 206.10, Code 2011, is amended to read as
14 follows:

15 **206.10 License renewals — delinquent fee.**

16 1. If the application for renewal of a license provided for
17 in this chapter, ~~other than a pesticide dealer license,~~ is not
18 filed prior to the first of January in any year, a delinquent
19 fee of twenty-five percent shall be assessed and added to the
20 original fee and shall be paid by the applicant before the
21 renewal license is issued. A delinquent fee does not apply
22 if the applicant furnishes an affidavit certifying that the
23 applicant has not applied pesticides after the expiration
24 of the applicant's license. All licenses issued under this
25 chapter expire December 31 each year.

26 2. ~~However, a~~ Subsection 1 does not apply to any of the
27 following:

28 a. A license issued to a pesticide dealer that expires as
29 provided in section 206.8.

30 b. A certificate issued to a certified applicator that
31 expires as provided in section 206.5.

32 Sec. 129. Section 206.13, Code 2011, is amended to read as
33 follows:

34 **206.13 Evidence of financial responsibility required by**
35 **commercial applicator.**

1 1. The department shall not issue a commercial applicator's
2 license as required in section 206.6 until the applicant
3 has furnished evidence of financial responsibility with the
4 department. The evidence of financial responsibility shall
5 consist of a surety bond, a liability insurance policy,
6 or an irrevocable letter of credit issued by a financial
7 institution. The department may accept a certification
8 of the evidence of financial responsibility. The evidence
9 of financial responsibility shall pay the amount that the
10 beneficiary is legally obligated to pay as damages caused
11 by the pesticide operations of the applicant. However, the
12 evidence of financial responsibility does not apply to damages
13 or an injury which is expected or intended from the standpoint
14 of the beneficiary. A liability insurance policy shall be
15 subject to the insurer's policy provisions filed with and
16 approved by the commissioner of insurance. The evidence of
17 financial responsibility need not apply to damages or injury to
18 agricultural crops, plants, or land being worked upon by the
19 applicant.

20 2. The amount of the evidence of financial responsibility
21 as provided for in this section shall be not less than two
22 hundred fifty thousand dollars for property damage and
23 public liability insurance, each separately. The evidence
24 of financial responsibility shall be maintained at not less
25 than that amount at all times during the licensed period. The
26 department shall be notified ten days prior to any reduction in
27 the surety bond or liability insurance made at the request of
28 the applicant or cancellation of the surety bond by the surety
29 or the liability insurance by the insurer. The department
30 shall be notified ninety days prior to any reduction of the
31 amount of the irrevocable letter of credit at the request of
32 the applicant or the cancellation of the irrevocable letter of
33 credit by the financial institution. The total and aggregate
34 liability of the surety, insurer, or financial institution for
35 all claims shall be limited to the face of the surety bond,

1 liability insurance policy, or irrevocable letter of credit.

2

DIVISION XVII

3

PESTICIDE REGULATION — REGISTRATION

4 Sec. 130. Section 139A.21, subsection 7, Code 2011, is
5 amended by striking the subsection.

6 Sec. 131. Section 206.2, subsection 28, Code 2011, is
7 amended to read as follows:

8 28. "*State restricted use pesticide*" means a pesticide which
9 is restricted for sale, use, or distribution under section
10 ~~455B.491~~ 206.20.

11 Sec. 132. Section 206.11, subsection 1, paragraph e,
12 unnumbered paragraph 1, Code 2011, is amended to read as
13 follows:

14 Any pesticide which contains any substance or substances in
15 quantities highly toxic to humans; determined as provided in
16 section ~~206.6~~ 206.12, unless the label shall bear, in addition
17 to any other matter required by this chapter:

18 Sec. 133. Section 206.12, subsection 1, Code 2011, is
19 amended by adding the following new paragraph:

20 NEW PARAGRAPH. c. The secretary shall provide for a
21 three-month grace period for registration.

22 Sec. 134. Section 206.12, subsection 2, paragraph c, Code
23 2011, is amended by striking the paragraph.

24 Sec. 135. Section 206.12, subsection 3, Code 2011, is
25 amended by striking the subsection.

26 Sec. 136. Section 206.21, subsection 2, Code 2011, is
27 amended to read as follows:

28 2. a. ~~For the purpose of carrying out the provisions and~~
29 ~~the requirements of this chapter and the rules made and notices~~
30 ~~given pursuant thereto, the~~ The secretary or, including the
31 secretary's authorized agents, inspectors, or employees, may
32 enter into or upon any place during reasonable business hours
33 in order to ~~take~~ do any of the following:

34 (1) Take periodic random samples for chemical examinations
35 of pesticides and devices and to open.

1 (2) Open any bundle, package or other container containing
2 or believed to contain a pesticide in order to determine
3 whether the pesticide or device complies with the requirements
4 of this chapter.

5 (3) Monitor the use of or review the pesticide application.

6 b. Methods of analysis shall be those currently used by the
7 association of official agricultural chemists.

8 DIVISION XVIII

9 COAL MINING

10 Sec. 137. Section 207.2, subsection 10, Code 2011, is
11 amended to read as follows:

12 10. "*Prime farmland*" ~~has~~ means the same meaning as
13 prescribed by the United States ~~secretary~~ department of
14 agriculture ~~and published in the federal register on January~~
15 ~~31, 1978~~ pursuant to 7 C.F.R. § 567.5(a).

16 DIVISION XIX

17 WEIGHTS AND MEASURES — GENERAL

18 Sec. 138. Section 215.1, Code 2011, is amended to read as
19 follows:

20 215.1 ~~Duty to inspect~~ Inspections.

21 The department shall regularly inspect all commercial
22 weighing and measuring devices, and when a complaint is made to
23 the department that any false or incorrect weights or measures
24 are being made, the department shall inspect the commercial
25 weighing and measuring devices which caused the complaint.
26 The department may inspect prepackaged goods to determine the
27 accuracy of their recorded weights.

28 Sec. 139. Section 215.4, Code 2011, is amended to read as
29 follows:

30 215.4 Tag for inaccurate or incorrect device — reinspection
31 — fee.

32 A commercial weighing and measuring device found to be
33 inaccurate or incorrect upon inspection by the department
34 shall be rejected or tagged "condemned until repaired" and
35 the "licensed for commercial use" inspection sticker shall be

1 removed. If notice is received by the department that the
2 device has been repaired and upon reinspection the device is
3 found to be accurate or correct, the license fee shall not be
4 charged for the reinspection. However, a second license fee
5 shall be charged if upon reinspection the device is found to be
6 inaccurate. The device shall be tagged "condemned" and removed
7 from service if a third reinspection fails.

8 Sec. 140. Section 215.7, Code 2011, is amended to read as
9 follows:

10 **215.7 Transactions by false weights or measures.**

11 Any A person shall be deemed to have violated the provisions
12 of this chapter and shall be punished as provided in chapter
13 189, if any of the following apply:

14 1. ~~If such~~ The person sell sells, ~~trade~~ trades, ~~deliver~~
15 delivers, ~~charge~~ charges for or ~~claim~~ claims to have delivered
16 to a purchaser an amount of any commodity which is less in
17 weight or measure than that which is asked for, agreed upon,
18 claimed to have been delivered, or noted on the delivery
19 ticket.

20 2. ~~If such~~ The person make makes a settlement for or ~~enter~~
21 enters credit, based upon any false weight or measurement, for
22 any commodity purchased.

23 3. ~~If such~~ The person make makes a settlement for or ~~enter~~
24 enters a credit, based upon any false weight or measurement,
25 for any labor where the price of producing or mining is
26 determined by weight or measure.

27 4. ~~If such~~ The person record records a false weight or
28 measurement upon the weight ticket or book.

29 Sec. 141. Section 215.9, Code 2011, is amended to read as
30 follows:

31 **215.9 Power of cities political subdivision limited.**

32 ~~Commodities~~ A commodity weighed upon any scale bearing the
33 ~~inspection card~~, a sticker issued by the department, shall not
34 be required to be reweighed as required by ~~any~~ ordinance of any
35 political subdivision including but not limited to a city, nor

1 shall ~~their~~ a commodity's sale, at the weights so ascertained,
2 and because thereof, be, by such ordinance, prohibited or
3 restricted.

4 Sec. 142. Section 215.14, subsection 3, Code 2011, is
5 amended to read as follows:

6 3. ~~After~~ Before approval by the department, the
7 specifications for a commercial weighing and measuring
8 device shall be furnished to the purchaser of the device
9 by the manufacturer. The approval shall be based upon the
10 recommendation of the United States national institute of
11 standards and technology.

12 Sec. 143. Section 215.26, subsection 1, Code 2011, is
13 amended to read as follows:

14 1. "*Commercial weighing and measuring device*" means a weight
15 or measure or weighing or measuring device used to establish
16 size, quantity, area or other quantitative measurement of a
17 commodity sold by weight or measurement, or where the price to
18 be paid for producing the commodity is based upon the weight or
19 measurement of the commodity. The term includes an accessory
20 attached to or used in connection with a commercial weighing or
21 measuring device when the accessory is so designed or installed
22 that its operation may affect the accuracy of the device.
23 "*Commercial weighing and measuring device*" includes a public
24 scale or a commercial scanner.

25 Sec. 144. Section 215.26, Code 2011, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 1A. "*Department*" means the department of
28 agriculture and land stewardship.

29 DIVISION XX

30 WEIGHTS AND MEASURES — STATE METROLOGIST

31 Sec. 145. Section 213.2, Code 2011, is amended to read as
32 follows:

33 **213.2 Physical standards.**

34 Weights and measures, which conform to the standards of the
35 United States national institute of standards and technology

1 existing as of January 1, 1979, that are traceable to the
2 United States standards supplied by the federal government
3 or approved as being in compliance with its standards by
4 the national bureau of standards shall be the state primary
5 standard of weights and measures. Such weights and measures
6 shall be verified upon initial receipt of same and as often
7 as deemed necessary by the secretary of agriculture. The
8 secretary may provide for the alteration in the state
9 primary standard of weights and measures in order to maintain
10 traceability with the standard of the United States national
11 ~~bureau~~ institute of standards and technology. All such
12 alterations shall be made pursuant to rules promulgated by the
13 secretary in accordance with chapter 17A.

14 DIVISION XXI

15 WEIGHTS AND MEASURES — FUEL

16 Sec. 146. Section 214.1, subsection 3, Code 2011, is amended
17 to read as follows:

18 3. "*Motor fuel blender pump*" or "*blender pump*" means a motor
19 fuel ~~pump~~ meter that dispenses a type of motor fuel that is
20 blended from two or more different types of motor fuels and
21 which may dispense more than one type of blended motor fuel.

22 Sec. 147. Section 214.1, subsection 4, Code 2011, is amended
23 to read as follows:

24 4. "*Motor fuel pump*" means a ~~pump~~ meter, or similar
25 commercial weighing and measuring device used to measure and
26 dispense motor fuel originating from a motor fuel storage tank,
27 on a retail basis.

28 Sec. 148. Section 214.11, Code 2011, is amended to read as
29 follows:

30 **214.11 Inspections — recalibrations — penalty.**

31 1. The department of ~~agriculture and land stewardship~~
32 shall provide for annual inspections of all motor fuel pumps,
33 including but not limited to motor fuel blender pumps, licensed
34 under this chapter. Inspections shall be for the purpose of
35 determining the accuracy of the pumps' measuring mechanisms,

1 and for such purpose the department's inspectors may enter upon
2 the premises of any wholesale dealer or retail dealer, as they
3 are defined in section 214A.1, of motor fuel or fuel oil within
4 this state. Upon completion of an inspection, the inspector
5 shall affix the department's seal to the measuring mechanism
6 of the motor fuel pump. The seal shall be appropriately
7 marked, dated, and recorded by the inspector. If the owner
8 of an inspected and sealed motor fuel pump is registered
9 with the department as a servicer in accordance with section
10 215.23, or employs a person so registered as a servicer, the
11 owner or other servicer may open the motor fuel pump, break
12 the department's seal, recalibrate the measuring mechanism
13 if necessary, and reseal the motor fuel pump as long as the
14 department is notified of the recalibration within forty-eight
15 hours, on a form provided by the department.

16 2. A person violating a provision of this section is, upon
17 conviction, guilty of a simple misdemeanor.

18 EXPLANATION

19 INTRODUCTION. This bill amends a number of provisions
20 relating to the powers and duties of the department of
21 agriculture and land stewardship.

22 GENERAL. The bill amends provisions relating to the general
23 powers and duties of the department (Code chapter 159). It
24 recognizes that the department promotes biofuels; revises the
25 administration of its weather and statistical units; and allows
26 the department to make statutes and rules available to the
27 public via the internet in lieu of printed publications. It
28 also eliminates a requirement that a departmental employee who
29 handles state funds provide a bond.

30 SOIL AND WATER CONSERVATION. The bill amends provisions
31 relating to soil conservation (Code chapter 161A). It
32 eliminates an outdated reporting requirement relating to
33 comprehensive management plans. It provides that an owner
34 of land may be required to maintain a permanent soil and
35 conservation practice for less than 20 years. It requires

1 the department rather than the soil conservation division to
2 submit annual fiscal reports to the department of management.
3 It eliminates references to a conservation folder that must be
4 part of a farm unit conservation plan developed by a landowner
5 and a soil and water conservation district identifying soil and
6 water conservation practices. It extends the period for the
7 summer construction of soil and water conservation practices,
8 and eliminates restrictions upon how much cost-share moneys may
9 be expended to support such construction. It also eliminates
10 a provision which prohibits the allocation of cost-share
11 moneys to support summer construction projects when moneys
12 are not available to fund applications to establish permanent
13 cost-share practices.

14 ANIMAL HEALTH REGULATION. The bill amends a number of
15 provisions relating to animal health.

16 Generally, the bill prohibits a person from falsifying a
17 certificate of vaccination or a certificate of veterinary
18 inspection. The civil penalty for a violation is up to \$5,000
19 per each animal certificate falsified (Code chapter 163).
20 The bill updates references to the United States department
21 of agriculture and the department of agriculture and land
22 stewardship to comply with the general assembly's modern
23 drafting style (Code chapters 163 and 165).

24 In regard to swine, the bill eliminates a requirement that
25 the department oversee the feeding of garbage to animals, and
26 eliminates a reference to old dates after which garbage cannot
27 be fed to swine (Code chapter 163). It eliminates requirements
28 for testing brucellosis in swine that are sold for breeding
29 purposes and for exhibition (Code chapter 163A). It also
30 changes the name of "hog cholera" to "classical swine fever"
31 (Code chapters 159, 163, 166, and 166B).

32 In regard to dairy cattle, the bill changes the term
33 "paratuberculosis" to "Johne's disease", and eliminates a
34 requirement that infected dairy cattle be marked with a letter
35 "C" (Code chapter 165A).

1 In regard to sheep, the bill changes references to dipping
2 sheep to treating sheep and eliminates a requirement that
3 treated sheep be marked with the letter "K"(Code chapter 166A).

4 In regard to farm deer, the bill adds moose to the species of
5 farm deer that are kept in captivity and regulated to prevent
6 outbreaks of chronic wasting disease (Code chapter 170).
7 The term "farm deer" is used throughout the Code including
8 provisions relating to agricultural landholding restrictions
9 (Code chapter 10), the marking and branding of livestock (Code
10 chapter 169A), trespassing or stray livestock (Code chapter
11 169C), meat and poultry inspection (Code chapter 189A), sales
12 taxes and exemptions (Code chapter 423), wildlife conservation
13 (Code chapter 481A), hunting preserves (Code chapter 484B),
14 preserve whitetail (Code chapter 484C), damage to property
15 (Code chapter 716), and injury to livestock (Code chapter 717).

16 ANIMAL INDUSTRY. The bill provides that the department must
17 publish branding lists on the internet in lieu of in a book
18 (Code chapter 169A). It also amends licensing and bonding
19 requirements for persons associated with slaughtering animals
20 (livestock) by specifically including goats, turkeys, chickens,
21 and horses (Code chapter 172A).

22 AGRICULTURAL MARKETING. The bill amends a number of
23 provisions which regulate the marketing of agricultural-related
24 products and activities (Code chapter 189).

25 In Code 1993, the Iowa Code editor reorganized a number of
26 Code chapters throughout the Code, including by transferring
27 Code chapters relating to grain regulation (now codified
28 in Code chapters 203, 203C, and 203D), and coal mining
29 regulation (now codified in Code chapters 207 and 208) to
30 title V, subtitle 4. As a result, the Code editor placed
31 Code chapter references in a number of Code sections to
32 exempt those Code chapters from the general provisions of Code
33 chapter 189 until the general assembly expressly acknowledged
34 their applicability, including the applicability of certain
35 penalties. The bill eliminates those references.

1 The bill also amends terms such as "article" and "package" as
2 applied throughout the subtitle. It allows the department to
3 publish certain bulletins on its internet site rather than in a
4 printed format. It removes a specification regarding the size
5 of type that must appear on certain packaging.

6 The bill provides that regardless of what state law
7 requires, pesticides labeled in conformance with federal
8 standards comply with state law (see Code chapter 206).

9 AGRICULTURAL MARKETING — GRAIN REGULATION. The bill amends
10 a number of provisions regulating grain dealer and warehouse
11 operators required to be licensed by the department (Code
12 chapters 203 and 203C). The bill also amends corresponding
13 Code sections affecting the grain depositors and sellers
14 indemnity fund (Code chapter 203D).

15 The bill amends the definition of "grain" by referring
16 to the United States Grain Standards Act. The bill rewrites
17 provisions to enhance readability and provides consistency
18 in terminology. A number of provisions referring to
19 administrative actions are amended to provide for "cessation"
20 which includes revocation, cancellation, or expiration
21 of a license. The bill also removes terminology such as
22 an "automatic" suspension or revocation of a license.
23 Emergency adjudicatory proceedings are covered under the Iowa
24 administrative procedures Acts (Code section 17A.18A).

25 AGRICULTURAL MARKETING — WAREHOUSE OPERATOR REGULATION.
26 The bill defines the United States Warehouse Act and eliminates
27 legal citations. The bill numbers paragraphs in order to
28 be consistent with the general assembly's style. The bill
29 extensively amends Code section 203C.15 which requires a
30 warehouse operator to maintain insurance coverage. It allows
31 the department to define catastrophes for purposes of coverage
32 in addition to the statutory requirements (for example, the
33 provision refers to fire or wind but not flood). Under current
34 law a warehouse operator must have on file with the department
35 evidence of insurance coverage (e.g., an insurance policy).

1 The bill expressly authorizes the department to demand proof
2 of insurance verifying that the evidence of insurance coverage
3 is correct. The bill still requires an insurance company
4 to notify the department of a cancellation and allows the
5 department to suspend or revoke a license for a failure to
6 maintain insurance. It sets out the procedure for taking
7 action based on the termination of coverage, either because
8 the warehouse operator fails to provide proof of coverage or
9 the insurance company has canceled the coverage. The bill
10 eliminates a reference to the "Iowa warehouse Act" which does
11 not exist. The bill amends a provision which allows a licensed
12 warehouse to store grain in another warehouse, which the
13 bill refers to as an alternative warehouse. The alternative
14 warehouse must be approved by the department. The bill
15 rewrites the provision to enhance its readability.

16 PESTICIDE REGULATION. The bill amends provisions which
17 regulate the certification of pesticide applicators, the
18 licensure of persons engaged in the business of application and
19 pesticide dealers, and the registration of pesticides by its
20 manufacturers (Code chapter 206).

21 For regulations relating to certification, the bill
22 eliminates an option for commercial and public applicators to
23 pay the department a certification fee each year rather than
24 each three years. The amount of the fee is not changed. It
25 provides that the department is no longer required to adopt
26 rules for the educational program requirements that specify
27 the handling, application, and storage of pesticides; the
28 calibration of application equipment; and the effects of
29 pesticides upon the groundwater. It eliminates a transitional
30 provision that adjusted fees for certifications issued prior to
31 July 1, 1989.

32 For regulations relating to licensure, the bill requires
33 an applicant engaging in aerial application to demonstrate
34 compliance with federal law. It requires a pesticide dealer
35 to pay a license fee when due. It provides that the general

1 renewal fee and delinquency penalty do not apply to an
2 applicator required to be issued a certificate. It increases
3 the amount of evidence of financial responsibility required
4 to be submitted by a commercial applicator from \$50,000 to
5 \$250,000. For regulations relating to registration, the bill
6 allows the department to provide a three-month grace period.

7 The bill changes the definition of a state restricted use
8 pesticide to mean a pesticide which is restricted according
9 to classifications established by department of agriculture
10 and land stewardship instead of the department of natural
11 resources' environmental protection commission.

12 The bill eliminates provisions requiring a manufacturer
13 to submit an ingredient statement and an inert ingredient
14 statement to the department. It eliminates a provision which
15 requires the department to submit a copy of the ingredient
16 statement and inert ingredient statement to the department
17 of natural resources or the center for health effects of
18 environmental contamination. It eliminates a provision which
19 requires DALs to adopt rules specifying the requirements for
20 the operation of an emergency information system operated by
21 persons required to register a pesticide or device.

22 COAL MINING REGULATION. The bill updates a reference to
23 federal law (Code chapter 207).

24 WEIGHTS AND MEASURES. The bill amends a number of provisions
25 relating to the department's authority to regulate weights and
26 measures, including commercial weighing and measuring devices.
27 It amends provisions relating to the general authority to the
28 department (Code chapter 215), provisions requiring special
29 regulation of devices measuring weather (Code chapter 213), and
30 devices measuring fuel including motor fuel pumps (Code chapter
31 214).

32 Generally, the bill authorizes the department to inspect
33 prepackaged goods to determine the accuracy of a device.
34 It authorizes the department to condemn a device that it
35 determines to be incorrect. It revises statutory language for

1 readability. It authorizes the department to use a sticker
2 in lieu of a card when verifying inspection and prohibits
3 other political subdivisions and not just cities from adopting
4 ordinances for reweighing. It requires that specifications for
5 a device be furnished to a purchaser before rather than after
6 departmental approval. It provides that a commercial scanner
7 is considered a device subject to departmental inspection
8 requirements.

9 For devices that measure weather activity, the bill
10 updates the name of the federal agency responsible for setting
11 standards.

12 For devices that measure and dispense fuel, the bill amends
13 several provisions by referring to meters rather than pumps and
14 expressly providing for the regulation of motor fuel blender
15 pumps.